



Journal of the House

State of Indiana

116th General Assembly

First Regular Session

Seventeenth Meeting Day

Tuesday Afternoon

February 10, 2009

The invocation was offered by Reverend Bryan Trotter, North Gilead Baptist Church, Shelbyville.

The Pledge of Allegiance to the Flag was led by Representative Eric A. Koch.

The House convened at 1:00 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker ordered the roll of the House to be called:

Austin	Kersey
Avery	Klinker
Bardon	Knollman
Barnes	Koch
Bartlett	L. Lawson
Battles	Lehe
Behning	Lehman
Bell	Leonard
Bischoff	Lutz
Blanton	McClain
Borders	Messmer
Borror	Michael
Bosma	Moseley
C. Brown	Moses
T. Brown	Murphy
Burton	Neese
Candelaria Reardon	Niezgodski
Cheatham	Noe
Cherry	Oxley
Clements	Pearson
Clere	Pelath
Crawford	Pflum
Crouch	Pierce
Culver	Pond
Davis	Porter
Day	Pryor
DeLaney	Reske
Dembowski	Richardson
Dermody	Riecken
Dobis	Robertson
Dodge	Ruppel
Duncan	Saunders
Dvorak	M. Smith
Eberhart	V. Smith
Espich	Soliday
Foley	Stemler
Friend	Steuerwald
Frizzell	Stevenson
Fry	Stilwell
GiaQuinta	Sullivan
Goodin	Summers
Grubb	Thompson
Gutwein	Tincher
Harris	Torr
Herrell	Truitt
Hinkle	Turner

Tyler
VanDenburgh
VanHaaften
Walorski

Welch
Wolkins
Yarde
Mr. Speaker

Roll Call 64: 100 present. The Speaker announced a quorum in attendance.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 12, 2009, at 10:00 a.m.

TYLER

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1028, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-10-17.1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4.5. As used in this chapter, "fiscal agent" means a person or an organization designated by the division that is used by the individual in need of self-directed in-home care to handle the payroll responsibilities in an agreement between an individual in need of self-directed in-home care and a personal services attendant.**"

Page 2, between lines 8 and 9, begin a new line blocked left and insert:

"**An individual's address or other contact information provided under this subsection is not public and may not be released by the division or its designated agency unless the individual agrees to the release of the information.**"

Page 2, line 22, delete "a contract" and insert "**an agreement**".

Page 2, line 29, delete "area." and insert "**area, including information needed to contact a personal services attendant if the personal services attendant agrees to the release of the contact information.**".

Page 2, line 31, strike "(c)." and insert "**(c)(1) through (c)(2).**".

Page 3, line 2, after "care" insert "**, or a fiscal agent with whom the individual has contracted,**".

Page 3, line 42, delete "available" and insert "**offered as an option**".

Page 4, line 10, after "Sec. 15." delete "A" and insert "**(a) As used in this section, "home health agency" includes a personal services agency licensed under IC 16-27-4. However, the term does not include a hospital licensed under IC 16-21 or a hospital subject to either IC 16-22 or IC 16-23. (b) Not later than July 1, 2010, a**".

Page 4, line 15, delete "Annual costs that include the

following expended for an" and insert **"Payroll expenses related to employees"**.

Page 4, line 16, delete "employee who provides" and insert **"who provide"**.

Page 4, line 16, delete "services:" and insert **"services, that include only the following:"**.

Page 4, line 32, delete "Employee turnover information." and insert **"The frequency with which employees resign, are fired, or retire from a home health agency, computed as the percentage of the agency's employees at the beginning of a calendar year."**

Page 4, line 33, after "compensates" insert **"employees who provide home health services"**.

Page 4, delete lines 38 through 39, begin a new paragraph and insert:

"(c) This section expires July 1, 2013."

Page 4, line 42, delete "the".

Page 4, line 42, delete "2003 and each" and insert **"2009:"**.

Page 5, delete lines 1 through 21, begin a new line block indented and insert:

"(1) The process an individual must follow to be approved to use consumer directed care, including the time it takes for an individual to get approved and receive services, and whether this time varies according to the area of Indiana in which the individual lives.

(2) Results from interviewing area agency on aging staff concerning the barriers to using consumer directed care.

(3) Surveys of individuals participating in consumer directed care on why they chose this option."

Page 5, line 24, delete "September 1, 2009" and insert **"July 1, 2010"**.

Page 5, line 25, delete "2009" and insert **"2010"**.

Renumber all SECTIONS consecutively.

(Reference is to HB 1028 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 5, nays 4.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1200, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, before "physician after" delete "licensed".

Page 1, line 7, before "after" insert **"who is licensed in Indiana or a state bordering Indiana or an advanced practice nurse who is licensed in Indiana"**.

Page 1, line 7, after "the physician" insert **"or advanced practice nurse"**.

Page 1, line 9, after "physician" insert **"or advanced practice nurse"**.

(Reference is to HB 1200 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1208, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17 and insert:

"SECTION 1. IC 11-10-4-6.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6.6. (a) As used in this section, "advisory committee" refers to the mental health corrections quality advisory committee established by subsection (b).

(b) The mental health corrections quality advisory committee is established. The advisory committee consists of the following members:

(1) The commissioner of the department or the commissioner's designee, who shall serve as chairperson of the advisory committee.

(2) The director of the division of mental health and addiction or the director's designee.

(3) A representative of a statewide mental health advocacy organization.

(4) A representative of a statewide mental health provider organization.

(5) A representative from a medical services organization that participates in the department's medical services program.

(6) A member with expertise in psychiatric research representing a postsecondary educational institution.

(7) A pharmacist licensed under IC 25-26 with expertise in mental health disorders.

The governor shall make the appointments under subdivisions (3) through (7) for a term of four (4) years and fill any vacancy on the advisory committee.

(c) The affirmative votes of a majority of the voting members appointed to the advisory committee are required for the committee to take action on any measure.

(d) The advisory committee shall advise the department and make recommendations concerning the department's formulary for medications for mental health and addictive disorders and consider the following:

(1) Peer reviewed medical literature.

(2) Observational studies.

(3) Health economic studies.

(4) Input from physicians and patients.

(5) Any other information determined by the advisory committee to be appropriate.

(e) The department shall report recommendations made by the advisory committee to the department's medical director.

(f) The department shall report the following information to the Indiana commission on mental health (IC 12-21-6.5-2):

(1) The advisory committee's advice and recommendations made under this section.

(2) The number and types of restrictions implemented by the department and the outcome of each restriction.

(3) The transition of individuals with mental illness into the community and the rate of recidivism.

(4) Any decision by the department to change the mental health care delivery system in which medication is provided to inmates."

Page 2, line 9, delete "and IC 11-10-4-6.5".

Page 7, delete lines 34 through 42.

Delete page 8.

Page 9, delete lines 1 through 24.

Page 10, delete lines 30 through 38, begin a new paragraph and insert:

"SECTION 9. [EFFECTIVE JULY 1, 2009] (a) The definitions under IC 11-10-4-6.6, as added by this act, apply to this SECTION.

(b) Notwithstanding IC 11-10-4-6.6(b), as added by this act, the initial members appointed by the governor to the advisory committee are appointed for the following terms:

(1) Members appointed under IC 11-10-4-6.6(b)(3) and IC 11-10-4-6.6(b)(4) are appointed for a term of four (4) years.

(2) A member appointed under IC 11-10-4-6.6(b)(5) is appointed for a term of three (3) years.

(3) A member appointed under IC 11-10-4-6.6(b)(6) is appointed for a term of two (2) years.

(4) A member appointed under IC 11-10-4-6.6(b)(7) is appointed for a term of one (1) year.

This SECTION expires December 31, 2013."

Renumber all SECTIONS consecutively.

(Reference is to HB 1208 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1309, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 1.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1382, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, delete "or another serious or life threatening disease".

Page 2, line 9, delete "or other serious or" and insert "; and

(2) that is approved or funded by one (1) of the following:

(A) A National Institutes of Health institute.

(B) A cooperative group of research facilities that has an established peer review program that is approved by a National Institutes of Health institute or center.

(C) The federal Food and Drug Administration.

(D) The United States Department of Veterans Affairs.

(E) The United States Department of Defense.

(F) The institutional review board of an institution located in Indiana that has a multiple project assurance contract approved by the National Institutes of Health Office for Protection from Research Risks as provided in 45 CFR 46.103.

(G) A research entity that meets eligibility criteria for a support grant from a National Institutes of Health center."

Page 2, delete lines 10 through 31.

Page 3, delete lines 12 through 15, begin a new paragraph and insert:

"(f) A state employee plan that provides coverage for basic health care services may not exclude coverage for routine care costs that are incurred in the course of a clinical trial if the plan would provide coverage for the same routine care costs not incurred in a clinical trial.

(g) The coverage that may not be excluded under this section is subject to the terms, conditions, restrictions, exclusions, and limitations that apply generally under the state employee plan, including treatment rendered by participating and nonparticipating providers.

(h) This section does not require the state employee plan to offer coverage for clinical trial services rendered by a participating provider under the state employee plan.

(i) This section does not prohibit the state employee plan from offering coverage for clinical trial services by a participating provider.

(j) This section does not require reimbursement for

services that are performed in a clinical trial by a nonparticipating provider at the same rate as those performed by a participating provider.

(k) Under a patient informed consent document, no party is liable for damages associated with the treatment provided during any phase of the clinical trial.

(l) This section does not create any private right or cause of action for or on behalf of any new patient against a party that issues the state employee plan."

Page 3, line 24, delete "or another serious or life threatening disease".

Page 3, line 41, delete "or other serious or" and insert "; and".

Page 3, delete line 42.

Page 4, delete lines 1 through 21, begin a new line block indented and insert:

"(2) that is approved or funded by one (1) of the following:

(A) A National Institutes of Health institute.

(B) A cooperative group of research facilities that has an established peer review program that is approved by a National Institutes of Health institute or center.

(C) The federal Food and Drug Administration.

(D) The United States Department of Veterans Affairs.

(E) The United States Department of Defense.

(F) The institutional review board of an institution located in Indiana that has a multiple project assurance contract approved by the National Institutes of Health Office for Protection from Research Risks as provided in 45 CFR 46.103.

(G) A research entity that meets eligibility criteria for a support grant from a National Institutes of Health center."

Page 4, delete lines 36 through 38, begin a new paragraph and insert:

"(d) The Medicaid program may not exclude coverage for routine care costs that are incurred in the course of a clinical trial if the program would provide coverage for the same routine care costs not incurred in a clinical trial.

(e) The coverage that may not be excluded under this section is subject to the terms, conditions, restrictions, exclusions, and limitations that apply generally under the Medicaid program, including treatment rendered by participating and nonparticipating providers.

(f) This section does not require the Medicaid program to offer coverage for clinical trial services rendered by a participating provider under the Medicaid program.

(g) This section does not prohibit the Medicaid program from offering coverage for clinical trial services by a participating provider.

(h) This section does not require reimbursement for services that are performed in a clinical trial by a nonparticipating provider at the same rate as those performed by a participating provider.

(i) Under a patient informed consent document, no party is liable for damages associated with the treatment provided during any phase of the clinical trial.

(j) This section does not create any private right or cause of action for or on behalf of any new patient against the state."

Page 4, line 39, delete "(e)" and insert "(k)".

Page 5, line 10, delete "or another serious or life threatening disease".

Page 5, line 27, delete "or other serious or" and insert "; and".

Page 5, delete lines 28 through 42, begin a new line block indented and insert:

"(2) that is approved or funded by one (1) of the following:

(A) A National Institutes of Health institute.

(B) A cooperative group of research facilities that has an established peer review program that is approved by a National Institutes of Health institute or center.

(C) The federal Food and Drug Administration.

(D) The United States Department of Veterans Affairs.

(E) The United States Department of Defense.

(F) The institutional review board of an institution located in Indiana that has a multiple project assurance contract approved by the National Institutes of Health Office for Protection from Research Risks as provided in 45 CFR 46.103.

(G) A research entity that meets eligibility criteria for a support grant from a National Institutes of Health center."

Page 6, delete lines 1 through 7.

Page 6, delete lines 32 through 42, begin a new line block indented and insert:

"(1) The health care service, item, or investigational drug that is the subject of the clinical trial.

(2) Any treatment modality that is not part of the usual and customary standard of care required to administer or support the health care service, item, or investigational drug that is the subject of the clinical trial.

(3) Any health care service, item, or drug provided solely to satisfy data collection and analysis needs that are not used in the direct clinical management of the patient.

(4) An investigational drug or device that has not been approved for market by the federal Food and Drug Administration.

(5) Transportation, lodging, food, or other expenses for the patient or a family member or companion of the patient that are associated with travel to or from a facility providing the clinical trial.

(6) A service, item, or drug that is provided by a clinical trial sponsor free of charge for any new patient.

(7) A service, item, or drug that is eligible for reimbursement from a source other than a covered individual's policy of accident and sickness insurance, including the sponsor of the clinical trial."

Page 7, delete lines 1 through 2, begin a new paragraph and insert:

"Sec. 6. (a) A policy of accident and sickness insurance may not exclude coverage for routine care costs that are incurred in the course of a clinical trial if the policy of accident and sickness insurance would provide coverage for the same routine care costs not incurred in a clinical trial.

(b) The coverage that may not be excluded under this section is subject to the terms, conditions, restrictions, exclusions, and limitations that apply generally under the policy of accident and sickness insurance, including treatment rendered by participating and nonparticipating providers.

(c) This section does not require an insurer to offer coverage for clinical trial services rendered by a participating provider under a policy of accident and sickness insurance.

(d) This section does not prohibit an insurer from offering coverage for clinical trial services by a participating provider.

(e) This section does not require reimbursement for services that are performed in a clinical trial by a nonparticipating provider at the same rate as those performed by a participating provider.

Sec. 7. (a) Under a patient informed consent document, no party is liable for damages associated with the treatment provided during any phase of the clinical trial.

(b) This section does not create any private right or cause of action for or on behalf of any new patient against an insurer that issues a policy of accident and sickness insurance."

Page 7, line 11, delete "or another serious or life threatening disease".

Page 7, line 28, delete "or other serious or" and insert "; and".

Page 7, delete lines 29 through 42, begin a new line block indented and insert:

"(2) that is approved or funded by one (1) of the following:

(A) A National Institutes of Health institute.

(B) A cooperative group of research facilities that has an established peer review program that is approved by a National Institutes of Health institute or center.

(C) The federal Food and Drug Administration.

(D) The United States Department of Veterans Affairs.

(E) The United States Department of Defense.

(F) The institutional review board of an institution located in Indiana that has a multiple project assurance contract approved by the National Institutes of Health Office for Protection from Research Risks as provided in 45 CFR 46.103.

(G) A research entity that meets eligibility criteria for a support grant from a National Institutes of Health center."

Page 8, delete lines 23 through 26, begin a new paragraph and insert:

"(d) An individual or a group contract that provides for basic health care services may not exclude coverage for routine care costs that are incurred in the course of a clinical trial if the contract would provide coverage for the same routine care costs not incurred in a clinical trial.

(e) The coverage that may not be excluded under this section is subject to the terms, conditions, restrictions, exclusions, and limitations that apply generally under the individual or a group contract, including treatment rendered by participating and nonparticipating providers.

(f) This section does not require a health maintenance organization to offer coverage for clinical trial services rendered by a participating provider under an individual or a group contract.

(g) This section does not prohibit a health maintenance organization from offering coverage for clinical trial services by a participating provider.

(h) This section does not require reimbursement for services that are performed in a clinical trial by a nonparticipating provider at the same rate as those performed by a participating provider.

(i) Under a patient informed consent document, no party is liable for damages associated with the treatment provided during any phase of the clinical trial.

(j) This section does not create any private right or cause of action for or on behalf of any new patient against a health maintenance organization that issues an individual or a group contract."

(Reference is to HB 1382 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1512, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as

follows:

Page 1, line 9, delete "means an individual over sixty-five (65) years of age who" and insert **"has the meaning set forth in IC 12-7-2-131.3."**

Page 1, delete lines 10 through 12.

Page 4, line 15, delete "and" and insert **"or"**.

Page 4, line 37, after "the" insert **"voluntary"**.

Page 5, line 41, after "plan" insert **"agreement"**.

Page 6, line 2, after "and" insert **"voluntary"**.

Page 6, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 9. IC 10-13-5-8.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8.2. The clearinghouse may provide notification under section 8 or 8.1 of this chapter to a broadcaster or an electronic billboard operator that:

(1) is located in a particular county; or

(2) provides services in a particular county;

in which a missing endangered adult is likely to be located."

Page 7, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 11. IC 10-13-5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The department shall adopt rules under IC 4-22-2 concerning the type of proof that the clearinghouse or a law enforcement agency must have concerning whether a missing individual is a missing endangered adult in order for information about the missing individual to be transmitted under the silver alert program.

SECTION 12. IC 10-13-5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. Nothing in this chapter shall be construed to authorize the use of the federal emergency alert system unless otherwise authorized by federal law.

SECTION 13. IC 12-7-2-131.3, AS ADDED BY P.L.140-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec 131.3. "Missing endangered adult", for purposes of IC 12-10-18, means an individual at least eighteen (18) years of age who is reported missing to a law enforcement agency **or rescue services provider and is, or is believed to be:**

(1) a temporary or permanent resident of Indiana;

(2) at a location that cannot be determined by an individual familiar with the missing individual; and

(3) incapable of returning to the missing individual's residence without assistance by reason of:

(A) mental illness;

(B) mental retardation;

(C) dementia; or

(D) another physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care.

SECTION 14. IC 12-7-2-163.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 163.7. "Rescue services provider", for purposes of IC 12-10-18, means:

(1) a firefighter;

(2) a paramedic;

(3) an emergency medical technician;

(4) a physician licensed under IC 25-22.5;

(5) a nurse licensed under IC 25-23; or

(6) another person who provides emergency medical services in the course of the person's employment.

The term includes a member of a rescue squad.

SECTION 15. IC 12-7-2-174.8, AS ADDED BY

P.L.140-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 174.8. "Endangered adult medical alert" means an alert indicating that law enforcement officials **or rescue services providers are searching for a missing endangered adult.**

SECTION 16. IC 12-10-18-1, AS ADDED BY P.L.140-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A law enforcement agency **or rescue services provider that receives a notification concerning a missing endangered adult from:**

(1) the missing endangered adult's:

(A) guardian;

(B) custodian; or

(C) guardian ad litem; or

(2) an individual who:

(A) provides the missing endangered adult with home health aid services;

(B) possesses a health care power of attorney for the missing endangered adult; or

(C) has evidence that the missing endangered adult has a condition that may prevent the missing endangered adult from returning home without assistance;

shall prepare an investigative report on the missing endangered adult, if, based on the notification, the law enforcement agency **or rescue services provider has reason to believe that an endangered adult is missing.**

(b) The investigative report described in subsection (a) may include the following:

(1) Relevant information obtained from the notification concerning the missing endangered adult, including the following:

(A) A physical description of the missing endangered adult.

(B) The date, time, and place that the missing endangered adult was last seen.

(C) The missing endangered adult's address.

(2) Information gathered by a preliminary investigation, if one was made.

(3) A statement by the law enforcement officer in charge **or rescue services provider setting forth that officer's **or provider's** assessment of the case based upon the evidence and information received.**

SECTION 17. IC 12-10-18-2, AS ADDED BY P.L.140-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The law enforcement agency **or rescue services provider shall prepare the investigative report described by section 1 of this chapter as soon as practicable, and if possible not later than five (5) hours after the law enforcement agency **or rescue services provider** receives notification of a missing endangered adult."**

Page 7, line 9, after "agency" insert **"or rescue services provider".**

Page 7, line 11, after "agency" insert **"or rescue services provider".**

Page 7, line 13, after "agencies" insert **"or rescue services providers".**

Page 7, line 13, after "jurisdiction" insert **"or operate".**

Page 7, line 15, after "agencies" insert **"or rescue services providers".**

Page 7, line 15, after "jurisdiction" insert **"or operate".**

Page 7, line 17, after "agencies" insert **"or rescue services providers".**

Page 7, line 19, after "agency" insert **"or rescue services provider".**

Page 7, line 21, after "agencies" insert **"or rescue services providers".**

Page 7, line 30, delete "by" and insert **"as part of".**

Page 7, line 33, after "agency" insert **"or rescue services provider".**

Page 7, line 37, after "agency" insert **"or rescue services provider"**.

Page 8, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 19. IC 12-10-18-4, AS ADDED BY P.L.140-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. A law enforcement agency **or rescue services provider** may begin an investigation concerning a missing endangered adult as soon as possible after receiving notification of the missing endangered adult.

SECTION 20. IC 12-10-18-5, AS ADDED BY P.L.140-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. An individual described in section 1(a)(1) or 1(a)(2) of this chapter who notifies a law enforcement agency **or rescue services provider** concerning a missing endangered adult shall notify the law enforcement agency **or rescue services provider** when the missing endangered adult is found.

SECTION 21. IC 12-10-18-6, AS ADDED BY P.L.140-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) A broadcaster or newspaper that receives a report of a missing endangered adult from a law enforcement agency **or rescue services provider** under section 3 of this chapter is immune from civil liability for an act or omission related to:

(1) the broadcast or publication of information contained in the report, including:

(A) a description of the missing endangered adult; and
(B) any other relevant information that would assist in locating the missing endangered adult; or

(2) the decision of the broadcaster or newspaper not to broadcast or publish information contained in the report.

(b) The civil immunity described in subsection (a) does not apply to an act or omission that constitutes gross negligence or willful, wanton, or intentional misconduct."

Page 8, delete lines 12 through 19.

Re-number all SECTIONS consecutively.

(Reference is to HB 1512 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Energy, Technology and Utilities, to which was referred House Bill 1529, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 7 through 8, begin a new line block indented and insert:

"(2) A gift card issued by either of the following:

(A) A financial institution (as defined in IC 22-2-4-1).

(B) A person licensed by the department of financial institutions under IC 28-8-4."

(Reference is to HB 1529 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1579, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 5, nays 2.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1721, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-30 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 30. Unemployment Insurance Solvency Advisory Committee

Sec. 1. As used in this chapter, "committee" refers to the unemployment insurance solvency advisory committee established by section 3 of this chapter.

Sec. 2. As used in this chapter, "fund" refers to the unemployment insurance benefit fund established by IC 22-4-26-1.

Sec. 3. The unemployment insurance solvency advisory committee is established.

Sec. 4. (a) The committee shall do all of the following:

(1) Monitor the solvency of the fund.

(2) Make recommendations of improvements to increase the solvency of the fund.

(3) Make a report annually to the legislative council concerning the solvency of the fund. The report must be in an electronic format under IC 5-14-6.

(4) Study and make recommendations concerning approaches taken by other states to improve the solvency of unemployment insurance benefit trust funds, including the indexing of:

(A) unemployment benefits; and

(B) the taxable wage base.

(b) A committee recommendation does not take effect unless enacted by the general assembly.

Sec. 5. (a) The committee consists of the following members:

(1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. The members appointed under this subdivision may be members of the same political party.

(2) One (1) member of the house of representatives appointed by the minority leader of the house of representatives.

(3) Two (2) members appointed by the speaker of the house of representatives as follows:

(A) One (1) member who is a member of the Indiana State AFL-CIO.

(B) One (1) member who is a member of a labor organization not affiliated with the Indiana State AFL-CIO.

(4) Two (2) members of the senate appointed by the president pro tempore of the senate. The members appointed under this subdivision may be members of the same political party.

(5) One (1) member of the senate appointed by the minority leader of the senate.

(6) Two (2) members appointed by the president pro tempore of the senate as follows:

(A) One (1) member representing large employers in the state.

(B) One (1) member representing small employers in the state.

(7) The commissioner, or the commissioner's designee, who serves as an ex-officio nonvoting member.

(b) If a vacancy on the committee occurs, the person who appointed the member whose position is vacant shall appoint an individual to fill the vacancy using the criteria in subsection (a).

(c) The speaker of the house of representatives shall appoint one (1) of the members appointed by the speaker as a cochair of the committee. The president pro tempore of the senate shall appoint one (1) of the members appointed by the president as a cochair of the committee.

Sec. 6. (a) The legislative services agency shall provide administrative support for the committee. At the request of the legislative services agency, the department of workforce development established by IC 22-4.1-2-1 shall assign staff to provide research and other support to assist the legislative services agency in providing administrative support to the committee.

(b) There is annually appropriated to the legislative services agency from the state general fund money necessary for the operation of the committee.

Sec. 7. Six (6) committee members constitute a quorum. The affirmative votes of at least six (6) committee members are necessary for the committee to take official action.

Sec. 8. The committee shall meet at the call of both cochairs and at other times as the committee considers necessary.

Sec. 9. (a) Each member of the committee who is not a state employee or is not a member of the general assembly is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the committee who is a state employee but not a member of the general assembly is entitled to the following:

(1) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(2) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the committee who is a member of the general assembly is entitled to the same:

(1) per diem;

(2) mileage; and

(3) travel allowances;

paid to legislative members of interim study committees established by the legislative council.

SECTION 2. IC 22-4-4-2, AS AMENDED BY P.L.98-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as otherwise provided in this section, "wages" means all remuneration as defined in section 1 of this chapter paid to an individual by an employer, remuneration received as tips or gratuities in accordance with Sections 3301 and 3102 et seq. of the Internal Revenue Code, and includes all remuneration considered as wages under Sections 3301 and 3102 et seq. of the Internal Revenue Code. However, the term shall not include any amounts paid as compensation for services specifically excluded by IC 22-4-8-3 or IC 22-4-8-3.5 from the definition of employment as defined in IC 22-4-8-1 and IC 22-4-8-2. The term shall include, but not be limited to, any payments made by an

employer to an employee or former employee, under order of the National Labor Relations Board, or a successor thereto, or agency named to perform the duties thereof, as additional pay, back pay, or for loss of employment, or any such payments made in accordance with an agreement made and entered into by an employer, a union, and the National Labor Relations Board.

(b) The term "wages" shall not include the following:

(1) That part of remuneration which, after remuneration equal to:

(A) seven thousand dollars (\$7,000), has been paid in a calendar year to an individual by an employer or his the employer's predecessor with respect to employment during any calendar year subsequent to that begins after December 31, 1982, and before January 1, 2010; or

(B) nine thousand dollars (\$9,000), has been paid in a calendar year to an individual by an employer or the employer's predecessor for employment during a calendar year that begins after December 31, 2009;

unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund. For the purposes of this subdivision, the term "employment" shall include service constituting employment under any employment security law of any state or of the federal government. However, nothing in this subdivision shall be taken as an approval or disapproval of any related federal legislation.

(2) The amount of any payment (including any amount paid by an employer for insurance or annuities or into a fund to provide for any such payment) made to, or on behalf of, an individual or any of the individual's dependents under a plan or system established by an employer which makes provision generally for individuals performing service for it (or for such individuals generally and their dependents) or for a class or classes of such individuals (or for a class or classes of such individuals and their dependents) on account of:

(A) retirement;

(B) sickness or accident disability;

(C) medical or hospitalization expenses in connection with sickness or accident disability; or

(D) death.

(3) The amount of any payment made by an employer to an individual performing service for it (including any amount paid by an employer for insurance or annuities or into a fund to provide for any such payment) on account of retirement.

(4) The amount of any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability made by an employer to, or on behalf of, an individual performing services for it and after the expiration of six (6) calendar months following the last calendar month in which the individual performed services for such employer.

(5) The amount of any payment made by an employer to, or on behalf of, an individual performing services for it or to the individual's beneficiary:

(A) from or to a trust exempt from tax under Section 401(a) of the Internal Revenue Code at the time of such payment unless such payment is made to an individual performing services for the trust as remuneration for such services and not as a beneficiary of the trust; or

(B) under or to an annuity plan which, at the time of such payments, meets the requirements of Section 401(a)(3), 401(a)(4), 401(a)(5), and 401(a)(6) of the Internal Revenue Code.

(6) Remuneration paid in any medium other than cash to an individual for service not in the course of the employer's

trade or business.

(7) The amount of any payment (other than vacation or sick pay) made to an individual after the month in which the individual attains the age of sixty-five (65) if the individual did not perform services for the employer in the period for which such payment is made.

(8) The payment by an employer (without deduction from the remuneration of the employee) of the tax imposed upon an employee under Sections 3101 et seq. of the Internal Revenue Code (Federal Insurance Contributions Act).

SECTION 3. IC 22-4-10-3, AS AMENDED BY P.L.108-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. Except as provided in section 1(b) through 1(e) of this chapter, each employer shall pay contributions equal to five and six-tenths percent (5.6%) of wages, except as otherwise provided in IC 22-4-11-2, IC 22-4-11-3, **IC 22-4-11-3.5**, IC 22-4-11.5, and IC 22-4-37-3.

SECTION 4. IC 22-4-10-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4.5. (a) This section applies to an employer:**

(1) that is subject to this article for wages paid during calendar year 2009; and

(2) whose contribution rate for calendar year 2009 was determined under this chapter, IC 22-4-11, IC 22-4-11.5, or IC 22-4-37-3.

(b) In addition to the contributions determined under this chapter or IC 22-4-11.5, each employer shall pay an unemployment insurance surcharge that is computed by multiplying the employer's taxable wages for calendar year 2009 by three-tenths of one percent (0.3%).

(c) The unemployment insurance surcharge computed under subsection (b) is payable to the department in two (2) equal installments as follows:

(1) The first installment is payable not later than the last business day of the second calendar quarter of 2009.

(2) The second installment is payable not later than the last business day of the third calendar quarter of 2009.

(d) The department shall:

(1) use the amounts received under this section to repay the advances, including interest on the advances, made to the state from the federal unemployment account in the federal unemployment trust fund under 42 U.S.C. 1321; and

(2) deposit the remaining amounts in the unemployment insurance benefit fund established under IC 22-4-26.

(e) The amounts paid under this section do not affect and may not be charged to the experience account of any employer.

(f) This section expires on January 1, 2010.

SECTION 5. IC 22-4-11-2, AS AMENDED BY P.L.108-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as provided in IC 22-4-11.5, the department shall for each year determine the contribution rate applicable to each employer.

(b) The balance shall include contributions with respect to the period ending on the computation date and actually paid on or before July 31 immediately following the computation date and benefits actually paid on or before the computation date and shall also include any voluntary payments made in accordance with IC 22-4-10-5:

(1) for each calendar year, an employer's rate shall be determined in accordance with the rate schedules in section 3, ~~or~~ 3.3, **or 3.5** of this chapter; and

(2) for each calendar year, an employer's rate shall be two and seven-tenths percent (2.7%), except as otherwise provided in IC 22-4-37-3, unless and until:

(A) the employer has been subject to this article

throughout the thirty-six (36) consecutive calendar months immediately preceding the computation date; and

(B) there has been some annual payroll in each of the three (3) twelve (12) month periods immediately preceding the computation date.

(c) This subsection applies before January 1, 2010. In addition to the conditions and requirements set forth and provided in subsection (b)(2)(A) and (b)(2)(B), an employer's rate shall not be less than five and six-tenths percent (5.6%) unless all required contribution and wage reports have been filed within thirty-one (31) days following the computation date and all contributions, penalties, and interest due and owing by the employer or the employer's predecessors for periods prior to and including the computation date have been paid:

(1) within thirty-one (31) days following the computation date; or

(2) within ten (10) days after the department has given the employer a written notice by registered mail to the employer's last known address of:

(A) the delinquency; or

(B) failure to file the reports;

whichever is the later date.

The board or the board's designee may waive the imposition of rates under this subsection if the board finds the employer's failure to meet the deadlines was for excusable cause. The department shall give written notice to the employer before this additional condition or requirement shall apply.

(d) This subsection applies after December 31, 2009. In addition to the conditions and requirements set forth and provided in subsection (b)(2)(A) and (b)(2)(B), an employer's rate shall not be less than eight and two-tenths percent (8.2%) unless all required contribution and wage reports have been filed within thirty-one (31) days following the computation date and all contributions, penalties, and interest due and owing by the employer or the employer's predecessors for periods prior to and including the computation date have been paid:

(1) within thirty-one (31) days following the computation date; or

(2) within ten (10) days after the department has given the employer a written notice by registered mail to the employer's last known address of:

(A) the delinquency; or

(B) failure to file the reports;

whichever is the later date.

The board or the board's designee may waive the imposition of rates under this subsection if the board finds the employer's failure to meet the deadlines was for excusable cause. The department shall give written notice to the employer before this additional condition or requirement shall apply.

(~~e~~) (e) However, if the employer is the state or a political subdivision of the state or any instrumentality of a state or a political subdivision, or any instrumentality which is wholly owned by the state and one (1) or more other states or political subdivisions, the employer may contribute at a rate of:

(1) one percent (1%), before January 1, 2010; or

(2) one and two-tenths percent (1.2%), after December 31, 2009;

until it has been subject to this article throughout the thirty-six (36) consecutive calendar months immediately preceding the computation date.

(~~f~~) (f) On the computation date every employer who had taxable wages in the previous calendar year shall have the employer's experience account charged with the amount determined under the following formula:

STEP ONE: Divide:

(A) the employer's taxable wages for the preceding calendar year; by

(B) the total taxable wages for the preceding calendar year.

STEP TWO: Multiply the quotient determined under STEP ONE by the total amount of benefits charged to the fund under section 1 of this chapter.

(f) (g) One (1) percentage point of the rate imposed under subsection (c) or the amount of the employer's payment that is attributable to the increase in the contribution rate, whichever is less, shall be imposed as a penalty that is due and shall be deposited upon collection into the special employment and training services fund established under IC 22-4-25-1. The remainder of the contributions paid by an employer pursuant to the maximum rate shall be:

- (1) considered a contribution for the purposes of this article; and
- (2) deposited in the unemployment insurance benefit fund established under IC 22-4-26.

SECTION 6. IC 22-4-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The applicable schedule of rates for the calendar year ~~1983~~ and thereafter years before January 1, 2010, shall be determined by the ratio resulting when the balance in the fund as of the determination date is divided by the total payroll of all subject employers for the immediately preceding calendar year. Schedule A, B, C, or D, appearing on the line opposite the fund ratio in the schedule below, shall be applicable in determining and assigning each employer's contribution rate for the calendar year immediately following the determination date. For the purposes of this subsection, "total payroll" means total remuneration reported by all contributing employers as required by this article and does not include the total payroll of any employer who elected to become liable for payments in lieu of contributions (as defined in IC 22-4-2-32). For the purposes of this subsection, "subject employers" means those employers who are subject to contribution.

FUND RATIO SCHEDULE

When the Fund Ratio Is:

As Much As	But Less Than	Applicable Schedule
	1.0%	A
1.0%	1.5%	B
1.5%	2.25%	C
2.25%		D

(b) For calendar years before 2002, if the conditions and requirements of section 2 of this chapter are met, the rate of contributions shall be determined and assigned, with respect to each calendar year, to employers whose accounts have a credit balance and who are eligible therefor according to each employer's credit reserve ratio. Each employer shall be assigned the contribution rate appearing in the applicable schedule A, B, C, or D on the line opposite his credit reserve ratio as set forth in the rate schedule below:

RATE SCHEDULE FOR ACCOUNTS WITH CREDIT BALANCES

When the Credit Reserve Ratio Is:

As Much Less Than		Rate Schedules (%)				
As	But	A	B	C	D	E
3.0		1.2	0.2	0.2	0.2	0.15
2.8	3.0	1.4	0.4	0.2	0.2	0.15
2.6	2.8	1.6	0.6	0.2	0.2	0.15
2.4	2.6	1.8	0.8	0.4	0.2	0.2
2.2	2.4	2.0	1.0	0.6	0.2	0.2
2.0	2.2	2.2	1.2	0.8	0.4	0.4
1.8	2.0	2.4	1.4	1.0	0.6	0.6
1.6	1.8	2.6	1.6	1.2	0.8	0.8
1.4	1.6	2.8	1.8	1.4	1.0	1.0
1.2	1.4	3.0	2.0	1.6	1.2	1.2
1.0	1.2	3.2	2.2	1.8	1.4	1.4

0.8	1.0	3.4	2.4	2.0	1.6	1.6
0.6	0.8	3.6	2.6	2.2	1.8	1.8
0.4	0.6	3.8	2.8	2.4	2.0	2.0
0.2	0.4	4.0	3.0	2.6	2.2	2.2
0	0.2	4.2	3.2	2.8	2.4	2.4

(c) Each employer whose account as of any computation date occurring on and after June 30, 1984, shows a debit balance shall be assigned the rate of contributions appearing on the line opposite his debit ratio as set forth in the following rate schedule for accounts with debit balances:

RATE SCHEDULE FOR ACCOUNTS WITH DEBIT BALANCES

When the Debit Reserve Ratio Is:

As Much Less Than	But	Rate Schedules (%)				
As	Than	A	B	C	D	E
1.5	1.5	4.5	4.4	4.3	4.2	3.6
1.5	3.0	4.8	4.7	4.6	4.5	3.8
3.0	4.5	5.1	5.0	4.9	4.8	4.1
4.5	6.0	5.4	5.3	5.2	5.1	4.4
6.0		5.7	5.6	5.5	5.4	5.4

(b) The applicable schedule of rates for calendar years after December 31, 2009, shall be determined by the ratio resulting when the balance in the fund as of the determination date is divided by the total payroll of all subject employers for the immediately preceding calendar year. Except as provided in subsection (c), Schedules A through I appearing on the line opposite the fund ratio in the schedule below shall be applicable in determining and assigning each employer's contribution rate for the calendar year immediately following the determination date. For purposes of this subsection, "total payroll" means total remuneration reported by all contributing employers as required by this article and does not include the total payroll of any employer who elected to become liable for payments in lieu of contributions (as defined in IC 22-4-2-32). For purposes of this subsection, "subject employers" means those employers who are subject to contribution.

FUND RATIO SCHEDULE

When the Fund Ratio Is:

As Much As	But Less Than	Applicable Schedule
	0.2%	A
0.2%	0.4%	B
0.4%	0.6%	C
0.6%	0.8%	D
0.8%	1.0%	E
1.0%	1.2%	F
1.2%	1.4%	G
1.4%	1.6%	H
1.6%		I

(c) If the balance in the fund as of the determination date in any calendar year is less than three hundred fifty million dollars (\$350,000,000), Schedule A shall apply in determining and assigning each employer's contribution rate for the calendar year immediately following the determination date.

(d) Any adjustment in the amount charged to any employer's experience account made subsequent to the assignment of rates of contributions for any calendar year shall not operate to alter the amount charged to the experience accounts of any other base-period employers.

SECTION 7. IC 22-4-11-3.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.3. (a) For calendar years after 2001 and before 2010, if the conditions of section 2 of this chapter are met, the rate of contributions shall be determined and assigned, with respect to each calendar year, to employers whose accounts have a credit balance and who are eligible therefore according to each employer's credit reserve ratio. Each employer shall be assigned the contribution rate appearing in the applicable schedule A, B, C, D, or E on the line

opposite the employer's credit reserve ratio as set forth in the rate schedule below:

**RATE SCHEDULE FOR ACCOUNTS
WITH CREDIT BALANCES**

When the Credit Reserve Ratio Is:

As Much	But Less	Rate Schedules (%)				
As	Than	A	B	C	D	E
3.00		1.10	0.10	0.10	0.10	0.15
2.80	3.00	1.30	0.30	0.10	0.10	0.15
2.60	2.80	1.50	0.50	0.10	0.10	0.15
2.40	2.60	1.70	0.70	0.30	0.10	0.20
2.20	2.40	1.90	0.90	0.50	0.10	0.20
2.00	2.20	2.10	1.10	0.70	0.30	0.40
1.80	2.00	2.30	1.30	0.90	0.50	0.60
1.60	1.80	2.50	1.50	1.10	0.70	0.80
1.40	1.60	2.70	1.70	1.30	0.90	1.00
1.20	1.40	2.90	1.90	1.50	1.10	1.20
1.00	1.20	3.10	2.10	1.70	1.30	1.40
0.80	1.00	3.30	2.30	1.90	1.50	1.60
0.60	0.80	3.50	2.50	2.10	1.70	1.80
0.40	0.60	3.70	2.70	2.30	1.90	2.00
0.20	0.40	3.90	2.90	2.50	2.10	2.20
0.00	0.20	4.10	3.10	2.70	2.30	2.40

(b) For calendar years after 2001 **and before 2010**, if the conditions of section 2 of this chapter are met, the rate of contributions shall be determined and assigned, with respect to each calendar year, to employers whose accounts have a debit balance and who are eligible therefore according to each employer's debit reserve ratio. Each employer shall be assigned the contribution rate appearing in the applicable schedule A, B, C, D, or E on the line opposite the employer's debit reserve ratio as set forth in the rate schedule below:

**RATE SCHEDULE FOR ACCOUNTS
WITH DEBIT BALANCES**

When the Debit Reserve Ratio Is:

As Much	But Less	Rate Schedules (%)				
As	Than	A	B	C	D	E
	1.50	4.40	4.30	4.20	4.10	5.40
1.50	3.00	4.70	4.60	4.50	4.40	5.40
3.00	4.50	5.00	4.90	4.70	4.70	5.40
4.50	6.00	5.30	5.20	5.10	5.00	5.40
6.00		5.60	5.50	5.40	5.40	5.40

SECTION 8. IC 22-4-11-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3.5. (a) For calendar years after 2009, if the conditions of section 2 of this chapter are met, the rate of contributions shall be determined and assigned, with respect to each calendar year, to employers whose accounts have a credit balance and who are eligible therefore according to each employer's credit reserve ratio. Each employer shall be assigned the contribution rate appearing in the applicable schedule A through I on the line opposite the employer's credit reserve ratio as set forth in the rate schedule below:**

**RATE SCHEDULE FOR ACCOUNTS
WITH CREDIT BALANCES**

When the Credit Reserve Ratio Is:

As Much	But Less	Rate Schedules (%)				
As	Than	A	B	C	D	E
3.00		1.30	1.20	1.10	1.00	0.90
2.80	3.00	1.60	1.50	1.40	1.30	1.20
2.60	2.80	1.80	1.70	1.60	1.40	1.30
2.40	2.60	2.00	1.90	1.70	1.60	1.50
2.20	2.40	2.30	2.10	2.00	1.80	1.70
2.00	2.20	2.50	2.30	2.20	2.00	1.80
1.80	2.00	2.80	2.60	2.40	2.20	2.00

1.60	1.80	3.00	2.80	2.60	2.40	2.20
1.40	1.60	3.20	3.00	2.80	2.60	2.30
1.20	1.40	3.50	3.30	3.00	2.80	2.60
1.00	1.20	3.70	3.40	3.20	3.00	2.70
0.80	1.00	4.00	3.70	3.50	3.20	2.90
0.60	0.80	4.20	3.90	3.70	3.40	3.10
0.40	0.60	4.40	4.10	3.80	3.50	3.20
0.20	0.40	4.70	4.40	4.10	3.80	3.40
0.00	0.20	4.90	4.60	4.30	3.90	3.60

**RATE SCHEDULE FOR ACCOUNTS
WITH CREDIT BALANCES**

When the Credit Reserve Ratio Is:

As Much	But Less	Rate Schedules (%)				
As	Than	F	G	H	I	
3.00		0.80	0.70	0.60	0.10	
2.80	3.00	1.10	1.00	0.90	0.10	
2.60	2.80	1.20	1.10	1.00	0.10	
2.40	2.60	1.30	1.20	1.00	0.10	
2.20	2.40	1.50	1.30	1.10	0.10	
2.00	2.20	1.60	1.40	1.20	0.10	
1.80	2.00	1.80	1.60	1.40	0.20	
1.60	1.80	2.00	1.80	1.60	0.20	
1.40	1.60	2.10	1.90	1.70	0.20	
1.20	1.40	2.30	2.00	1.70	0.20	
1.00	1.20	2.40	2.10	1.80	0.20	
0.80	1.00	2.60	2.30	2.00	0.20	
0.60	0.80	2.80	2.50	2.20	0.20	
0.40	0.60	2.90	2.60	2.30	0.20	
0.20	0.40	3.10	2.80	2.40	0.30	
0.00	0.20	3.20	2.80	2.40	0.30	

(b) For calendar years after 2009, if the conditions of section 2 of this chapter are met, the rate of contributions shall be determined and assigned, with respect to each calendar year, to employers whose accounts have a debit balance and who are eligible therefore according to each employer's debit reserve ratio. Each employer shall be assigned the contribution rate appearing in the applicable schedule A through I on the line opposite the employer's debit reserve ratio as set forth in the rate schedule below:

**RATE SCHEDULE FOR ACCOUNTS
WITH DEBIT BALANCES**

When the Debit Reserve Ratio Is:

As Much	But Less	Rate Schedules (%)				
As	Than	A	B	C	D	E
0.00	1.50	5.30	4.90	4.60	4.20	3.90
1.50	3.00	5.60	5.20	4.90	4.50	4.10
3.00	4.50	6.00	5.60	5.20	4.80	4.40
4.50	6.00	6.40	6.00	5.60	5.10	4.70
6.00	8.00	6.70	6.20	5.80	5.40	4.90
8.00	10.00	7.10	6.60	6.20	5.70	5.20
10.00	12.00	7.40	6.90	6.40	5.90	5.40
12.00	14.00	7.80	7.30	6.80	6.20	5.70
14.00		8.20	7.60	7.10	6.60	6.00

**RATE SCHEDULE FOR ACCOUNTS
WITH DEBIT BALANCES**

When the Debit Reserve Ratio Is:

As Much	But Less	Rate Schedules (%)			
As	Than	F	G	H	I
0.00	1.50	3.50	3.10	2.70	0.30
1.50	3.00	3.70	3.30	2.90	0.30
3.00	4.50	4.00	3.60	3.10	0.30
4.50	6.00	4.20	3.70	3.20	0.30
6.00	8.00	4.40	3.90	3.40	0.40
8.00	10.00	4.70	4.20	3.70	0.40
10.00	12.00	4.90	4.40	3.80	0.40
12.00	14.00	5.10	4.50	3.90	0.40
14.00		5.40	4.80	4.20	0.50

SECTION 9. IC 22-4-25-1, AS AMENDED BY P.L.138-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) There is created in the state treasury a special fund to be known as the special employment and training services fund. All interest on delinquent contributions and penalties collected under this article, together with any voluntary contributions tendered as a contribution to this fund, shall be paid into this fund. The money shall not be expended or available for expenditure in any manner which would permit their substitution for (or a corresponding reduction in) federal funds which would in the absence of said money be available to finance expenditures for the administration of this article, but nothing in this section shall prevent said money from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The money in this fund shall be used by the board for the payment of refunds of interest on delinquent contributions and penalties so collected, for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the employment and training services administration fund, on and after July 1, 1945. Such money shall be available either to satisfy the obligations incurred by the board directly, or by transfer by the board of the required amount from the special employment and training services fund to the employment and training services administration fund. The board shall order the transfer of such funds or the payment of any such obligation or expenditure and such funds shall be paid by the treasurer of state on requisition drawn by the board directing the auditor of state to issue the auditor's warrant therefor. Any such warrant shall be drawn by the state auditor based upon vouchers certified by the board or the commissioner. The money in this fund is hereby specifically made available to replace within a reasonable time any money received by this state pursuant to 42 U.S.C. 502, as amended, which, because of any action or contingency, has been lost or has been expended for purposes other than or in amounts in excess of those approved by the bureau of employment security. The money in this fund shall be continuously available to the board for expenditures in accordance with the provisions of this section and shall not lapse at any time or be transferred to any other fund, except as provided in this article. Nothing in this section shall be construed to limit, alter, or amend the liability of the state assumed and created by IC 22-4-28, or to change the procedure prescribed in IC 22-4-28 for the satisfaction of such liability, except to the extent that such liability may be satisfied by and out of the funds of such special employment and training services fund created by this section.

(b) Whenever the balance in the special employment and training services fund is ~~deemed excessive by the board; exceeds ten million dollars (\$10,000,000),~~ the board shall order payment **of the amount that exceeds ten million dollars (\$10,000,000)** into the unemployment insurance benefit fund. ~~of the amount of the special employment and training services fund deemed to be excessive.~~

(c) Subject to the approval of the board and the availability of funds, on July 1, 2008, and each subsequent July 1, the commissioner shall release:

- (1) one million dollars (\$1,000,000) to the state educational institution established under IC 21-25-2-1 for training provided to participants in apprenticeship programs approved by the United States Department of Labor, Bureau of Apprenticeship and Training;
- (2) four million dollars (\$4,000,000) to the state educational institution instituted and incorporated under IC 21-22-2-1 for training provided to participants in joint labor and management apprenticeship programs approved by the United States Department of Labor, Bureau of

Apprenticeship and Training; and

- (3) two hundred fifty thousand dollars (\$250,000) for journeyman upgrade training to each of the state educational institutions described in subdivisions (1) and (2).

Each state educational institution described in this subsection is entitled to keep ten percent (10%) of the funds released under this subsection for the payment of costs of administering the funds. On each June 30 following the release of the funds, any funds released under this subsection not used by the state educational institutions under this subsection shall be returned to the special employment and training services fund.

SECTION 10. IC 22-4-37-3, AS AMENDED BY P.L.108-2006, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Should:

- (1) the Congress of the United States amend, repeal, or authorize the implementation of a demonstration project under 29 U.S.C. 49 et seq., 26 U.S.C. 3301 through 3311, 42 U.S.C. 301 et seq., or 26 U.S.C. 3101 through 3504, or any statute or statutes supplemental to or in lieu thereof or any part or parts of said statutes, or should any or all of said statutes or any part or parts thereof be held invalid, to the end and with such effect that appropriations of funds by the said Congress and grants thereof to the state for the payment of costs of administration of the department are or no longer shall be available for such purposes;
- (2) the primary responsibility for the administration of 26 U.S.C. 3301 through 26 U.S.C. 3311 be transferred to the state as a demonstration project authorized by Congress; or
- (3) employers in Indiana subject to the payment of tax under 26 U.S.C. 3301 through 3311 be granted full credit upon such tax for contributions or taxes paid to the department;

then, beginning with the effective date of such change in liability for payment of such federal tax and for each year thereafter, the normal contribution rate under this article shall be established by the department and may not exceed three and one-half percent (3.5%) per year of each employer's payroll subject to contribution. With respect to each employer having a rate of contribution for such year pursuant to terms of IC 22-4-11-2(b)(2)(A), IC 22-4-11-2(b)(2)(B), IC 22-4-11-2(c), IC 22-4-11-3, IC 22-4-11-3.3, **IC 22-4-11-3.5**, and IC 22-4-11.5, to the rate of contribution, as determined for such year in which such change occurs, shall be added not more than eight-tenths percent (0.8%) as prescribed by the department.

(b) The amount of the excess of tax for which such employer is or may become liable by reason of this section over the amount which such employer would pay or become liable for except for the provisions of this section, together with any interest or earnings thereon, shall be paid and transferred into the employment and training services administration fund to be disbursed and paid out under the same conditions and for the same purposes as is other money provided to be paid into such fund. If the commissioner shall determine that as of January 1 of any year there is an excess in said fund over the money and funds required to be disbursed therefrom for the purposes thereof for such year, then and in such cases an amount equal to such excess, as determined by the commissioner, shall be transferred to and become part of the unemployment insurance benefit fund, and such funds shall be deemed to be and are hereby appropriated for the purposes set out in this section.

SECTION 11. IC 22-4-43 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 43. Hoosier Workers First Training Program

Sec. 1. As used in this chapter, "fund" refers to the Hoosier Workers First training fund established by section 5 of this chapter.

Sec. 2. The Hoosier Workers First training program is

established for the following purposes:

- (1) To improve manufacturing productivity levels in Indiana.
- (2) To enable firms to become competitive by making workers more productive through training.
- (3) To create a competitive economy by creating and retaining jobs.
- (4) To encourage the increased training necessary because of an aging workforce.
- (5) To avoid potential payment of unemployment compensation by providing workers with enhanced job skills.

Sec. 3. The department shall administer the Hoosier Workers First training program.

Sec. 4. For each state fiscal year, the department shall prepare an annual report on the use of the fund as a part of the report required by IC 22-4-18-7.

Sec. 5. (a) The Hoosier Workers First training fund is established to do the following:

- (1) Administer the costs of the Hoosier Workers First training program established by section 2 of this chapter.
- (2) Undertake any program or activity that furthers the purposes of this chapter.

(b) The money in the fund shall be allocated to employers or consortiums for worker training grants that enable workers who reside in Indiana to obtain recognizable credentials or certifications and transferable employment skills that improve employer competitiveness.

(c) Special consideration shall be given to Ivy Tech Community College (as defined in IC 21-7-13-22) to be the provider of the training funded under this chapter whenever the state educational institution:

- (1) meets the identified training needs of an employer or a consortium with an existing credentialing or certification program; and
- (2) is the most cost effective provider.

(d) For the worker training grants described in subsection (b), the department shall do the following:

- (1) Provide grant applications to interested employers and consortiums.
- (2) Accept completed applications for the grants.
- (3) Obtain all information necessary or appropriate to determine whether an applicant qualifies for a grant, including information concerning:
 - (A) the applicant;
 - (B) the training to be offered;
 - (C) the training provider; and
 - (D) the workers to be trained.

(4) Allocate the money in the fund in accordance with subsections (b) and (c).

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) The fund consists of the following:

- (1) Appropriations from the general assembly.
- (2) Earnings acquired through the use of money belonging to the fund.
- (3) Money deposited in the fund from any other source.

(h) Any balance in the fund does not lapse but is available continuously to the department for expenditures for the program established by this chapter.

SECTION 12. [EFFECTIVE JULY 1, 2009] (a) As used in this SECTION, "department" refers to the department of workforce development established by IC 22-4.1-2-1.

(b) As used in this SECTION, "fund" refers to the unemployment insurance benefit fund established under IC 22-4-26.

(c) As used in this SECTION, "committee" refers to the unemployment insurance solvency advisory committee established by IC 2-5-30-3, as added by this act.

(d) The commissioner of the department shall, not later than sixty (60) days after the effective date of any economic stimulus package law enacted by the Congress of the United States:

(1) initiate changes to eligibility and other requirements of the state's existing unemployment insurance system in order for the state to qualify for the maximum amount available under the federal economic stimulus package law; and

(2) submit in an electronic format under IC 5-14-6 to the legislative council, the committee, the speaker of the house of representatives, and the president pro tempore of the senate a report that provides the following:

(A) Details of the commissioner's actions taken under subdivision (1).

(B) Recommendations for any legislation necessary to modify the state's unemployment insurance system in order for the state to qualify for amounts available under the federal economic stimulus package law.

(C) An analysis of the fiscal impact to the fund of:

(i) the commissioners' actions taken under subdivision (1); and

(ii) the legislation recommended under clause (B), if the legislation is enacted.

(e) This SECTION expires July 1, 2011.

(Reference is to HB 1721 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

NIEZGODSKI, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1028 and 1208 had been referred to the Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 14, 21, and 27 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 14

The Speaker handed down Senate Concurrent Resolution 14, sponsored by Representatives Porter and Behning:

A CONCURRENT RESOLUTION to honor Superintendent of Public Instruction, Dr. Suellen Kinder Reed, for her extraordinary dedication to bettering education for Hoosier students throughout her sixteen-year tenure.

Whereas, Dr. Suellen Kinder Reed was elected in 1992 as the first female Superintendent of Public Instruction. She began her historic tenure in January 1993 and leaves office as the longest-serving Superintendent of Public Instruction for our great State of Indiana to seek out new opportunities and welcome new challenges;

Whereas, Dr. Reed has drawn from her personal experience and knowledge as a teacher and administrator working with

students of all ages and abilities to strengthen Indiana's education system;

Whereas, Due to Dr. Reed's tireless pursuit of increasing academic standards, assessments and school accountability, Indiana has risen from being ranked thirty-fourth among states for high school graduates pursuing higher education in 1992 to its current ranking of tenth;

Whereas, Dr. Reed was instrumental in co-founding Indiana's Education Roundtable in 1998 by reaching across the aisle and achieving bi-partisan collaboration in order to work towards educational improvements and change. Through setting high standards and expectations of continued bipartisan work, the Education Roundtable has brought Indiana national notoriety;

Whereas, Dr. Reed's persistent pursuit for Hoosier student excellence is evidenced by her relentless support for Public Law 221 detailing Indiana's school accountability system which became law almost three years before the federal mandate of the No Child Left Behind Act in 2001;

Whereas, Dr. Reed cultivated educational exchange partnerships with numerous countries throughout Europe and Asia, in addition to broadening learning opportunities for Hoosier students to immerse themselves in foreign language, cultures and different pedagogical approaches around the world;

Whereas, Dr. Reed remained responsive to current trends and issues in schools as she consistently visited every school in Indiana's ninety-two counties during each of her terms. Dr. Reed's accessibility also enabled constant and immediate monitoring of initiatives and standards which helped enhance the learning opportunity for Hoosier students by facilitating proactive responses;

Whereas, To build accountability back to teachers, parents, elected officials and communities, Dr. Reed provided unparalleled and transparent access to school performance information through annual school report cards published in local newspapers and through the Indiana Department of Education web site. This accessibility to current information better enables policy makers to make decisions regarding change to strengthen and build Indiana's education system;

Whereas, Dr. Reed believes in the potential of all Hoosier students and wants them to be as successful as possible. In raising the education bar in Indiana, Dr. Reed worked tirelessly to set expectations for our schools by outlining clear and rigorous learning goals for each grade level. Due to Dr. Reed's efforts, Indiana's K-12 academic standards are consistently ranked among the best in the nation and Indiana's Core 40 curriculum has been endorsed by higher education and business communities for preparing Hoosier students for college and workforce success;

Whereas, Dr. Reed has been honored throughout her career for exemplary work and dedication to education and the community. Some of her awards include Rushville Woman of the Year, Indiana Network of Women Administrator Achievement Award, Indiana Chamber of Commerce Government Leader of the Year Award, Indiana School Counselors Friend of Youth Award, First Annual Indiana School Safety Leadership Award, Indiana Foreign Language Teachers Association Friend of Foreign Languages Award and Indiana Council for the Social Studies Citizenship Award;

Whereas, Dr. Reed not only advocates for the advancement and appreciation of quality education, but serves as a living example evidenced by her post-master's and postdoctoral work at more than ten Universities throughout the United States and abroad. Her resolve to always pursue higher knowledge and education is truly an inspiration to all Hoosiers: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That Suellen Kinder Reed has served sixteen years as Superintendent of Public Instruction and leaves her historic mark as the longest serving and first woman chief executive officer of the Indiana Department of Education. Dr. Reed has tirelessly pursued increased excellence and standard-setting benchmarks of achievement for Indiana schools in order to provide indispensable knowledge and skills to prepare Hoosier students for workforce or higher education success.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Indiana Department of Education, Dr. Suellen Kinder Reed and her family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 21

The Speaker handed down Senate Concurrent Resolution 21, sponsored by Representatives Koch and Bosma:

A CONCURRENT RESOLUTION honoring Attorney General Steve Carter for eight years of public service to the citizens and State of Indiana as Attorney General.

Whereas, Attorney General Steve Carter was born in Lafayette, Indiana, the son of a farming family in south Lake County.

Whereas, Attorney General Carter left his quiet life on the farm to pursue an Ivy League education. He graduated with honors from Harvard University, receiving his Bachelors of Arts in economics, and later earned a joint J.D. and M.B.A. from Indiana University;

Whereas, Before obtaining the privilege to serve Hoosiers as Attorney General for Indiana, Attorney General Carter honed his skills to be a noble advocate of justice by serving as Chief City County Attorney for the city of Indianapolis, Legislative Counsel for the Indiana State Senate, and the Agricultural Assistant and Chief of Staff to Indiana Lieutenant Governor John Mutz.;

Whereas, Attorney General Carter was first elected the 41st Attorney General in 2000 and after a decisive election was sworn in to serve a second consecutive term on January 10, 2005;

Whereas, An advocate for personal privacy, Attorney General Carter's support was instrumental in persuading the legislature to pass the strongest "Do Not Call" law in the United States. His commitment to protecting the privacy of 3.7 million Hoosiers who desire peaceful dinners every night with their families without the threat of telemarketers has resulted in over half a million dollars in penalties assessed against solicitors who dared ignore the law's authority;

Whereas, Attorney General Carter testified before Congress to support Indiana's "Do Not Call" law and has spoken to the Federal Communications Commission to protect the law from national preemption. Attorney General Carter is a staunch advocate for the important interests of his constituents and has proven he is willing to advocate those interests at any level;

Whereas, By working with legislators and credit card companies to allow Indiana consumers to more easily freeze their credit, Attorney General Carter added an extra layer of protection against identity theft and other forms of personal identity fraud that Hoosiers may use to achieve greater financial peace of mind and security;

Whereas, Attorney General Carter was honored as a

commander among generals when he was elected President of the National Association of Attorney Generals in June 2008;

Whereas, In September 2008, The Century Council, a national not-for-profit organization funded by distillers dedicated to fighting drunk driving and underage drinking, applauded Attorney General Carter's leadership and honored him for the progress he has made to reduce drunk driving and underage drinking not only in Indiana, but across the United States;

Whereas, Attorney General Steve Carter helped to implement the Sex Offender Notification System that increases the community's awareness and ability to take proper precautions to protect its children against predators. The system employs a state-of-the-art website that is designed not only to provide a visual representation of sex offenders in a resident's area, but to also notify registered residents by email of individuals who reside in their communities and have been convicted of sex crimes;

Whereas, In December 2008, Attorney General Carter was the first ever Attorney General to receive the Eugene "Shine" Feller award in recognition for outstanding service and contribution on behalf of prosecuting attorneys and law enforcement in the State of Indiana; and

Whereas, Attorney General Carter is to be commended for the leadership he has demonstrated while in office and for the safe, healthy and informed future he has provided for generations of young Hoosiers to come: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1: The Indiana General Assembly congratulates and honors Attorney General Steve Carter by recognizing his outstanding career of public service, peer leadership and community spirit to Indiana and wishes Attorney General Carter continued success in all his future endeavors.

SECTION 2: The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Attorney General Steve Carter.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

House Resolution 16

Representatives Truitt and Klinker introduced House Resolution 16:

A HOUSE RESOLUTION honoring West Lafayette High School.

Whereas, West Lafayette High School has been named the best high school in Indiana by BusinessWeek magazine;

Whereas, The academic rankings, compiled by the school rating organization GreatSchools, are based on the public high school with the best weighted test scores, with math and reading scores being weighted twice as heavily as science scores;

Whereas, The recognition as the best high school in Indiana is the second time in two months that West Lafayette High School has been singled out for national recognition;

Whereas, In December 2008, West Lafayette was recognized as one of the top high schools in the nation by U.S. News and World Report;

Whereas, Principal Larry Allen credits the award to "the commitment from the community, especially parents and teachers who work with students before they reach the high school level"; and

Whereas, Outstanding accomplishments require special recognition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes West Lafayette High School for its selection as the best high school in Indiana by BusinessWeek magazine and encourages the school to continue its outstanding work.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Principal Larry Allen and Superintendent Rocky Killion.

The resolution was read a first time and adopted by voice vote.

House Resolution 17

Representatives Truitt and Klinker introduced House Resolution 17:

A HOUSE RESOLUTION honoring West Lafayette, Indiana.

Whereas, West Lafayette has been ranked by Forbes magazine as the sixth most educated small city in the United States. It is the top city listed that is not located on the East Coast or in California;

Whereas, The rankings were based on education levels of residents older than 25 in communities with populations between 20,000 and 65,000;

Whereas, Mayor John Dennis credits Purdue University, Purdue Research Park, the public school system, and the "incredible amount of diversity" as factors in the city's ranking;

Whereas, The sixth place ranking helps to make West Lafayette a more desirable place to live, work, and go to school, and is a good recruiting tool that will continue to draw in intelligent people; and

Whereas, Special accomplishment such as this deserves special recognition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates West Lafayette, Indiana, on its ranking by Forbes magazine as the sixth most educated small city in the United States and urges the city and its residents to continue to set their goals high.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mayor John Dennis and Purdue University.

The resolution was read a first time and adopted by voice vote.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:20 p.m. with the Speaker in the Chair.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1656

Representative Austin called down Engrossed House Bill 1656 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 1656-6)

Mr. Speaker: I move that Engrossed House Bill 1656 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 29, line 7, delete "in the period beginning July".

Page 29, delete line 8.

Page 29, line 9, delete "beginning July 1, 2010, and ending June 30, 2011,".

Page 29, run in lines 7 through 9.

Page 29, line 12, after "funds" insert "**appropriated under subsection (f)**".

Page 30, line 6, delete "2010." and insert "**2011.**".

Page 30, delete lines 11 through 18.

(Reference is to HB 1656 as reprinted (printer's error) February 6, 2009.)

AUSTIN

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1656, begs leave to report that said bill has been amended as directed.

AUSTIN

Report adopted.

The question then was, Shall the bill pass?

Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 65: yeas 88, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Lanane.

Engrossed House Bill 1235

Representative Bartlett called down Engrossed House Bill 1235 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 66: yeas 52, nays 46. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Randolph and Taylor.

Representative Eberhart was excused for the rest of the day.

Engrossed House Bill 1723

Representative Goodin called down Engrossed House Bill 1723 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 67: yeas 52, nays 46. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon, Kenley, and Hume.

Engrossed House Bill 1178

Representative Blanton called down Engrossed House Bill 1178 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 68: yeas 94, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker, Arnold, and Rogers.

Engrossed House Bill 1155

Representative Pryor called down Engrossed House Bill 1155 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 69: yeas 52, nays 47. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Taylor.

Engrossed House Bill 1021

Representative Crouch called down Engrossed House Bill 1021 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 70: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker and Deig.

Engrossed House Bill 1081

Representative Day called down Engrossed House Bill 1081 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representatives Borrer, Espich, and Thompson were excused from voting, pursuant to House Rule 46. Roll Call 71: yeas 55, nays 41. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers, Broden, Bray, Lanane, and Randolph.

Engrossed House Bill 1472

Representative Pelath called down Engrossed House Bill 1472 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 72: yeas 52, nays 47. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was

directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Lanane.

HOUSE BILLS ON SECOND READING

House Bill 1027

Representative Day called down House Bill 1027 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1027-1)

Mr. Speaker: I move that House Bill 1027 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 20.

Page 2, delete lines 24 through 30.

Renumber all SECTIONS consecutively.

(Reference is to HB 1027 as printed February 6, 2009.)

THOMPSON

Motion failed. The bill was ordered engrossed.

House Bill 1491

Representative Fry called down House Bill 1491 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1491-1)

Mr. Speaker: I move that House Bill 1491 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-9-2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 14. (a) A judge or candidate for judge of the St. Joseph superior court may not accept:**

(1) a contribution from any political party, political action committee, or regular party committee; or

(2) more than a total of:

(A) five hundred dollars (\$500) from one (1) individual;

(B) one thousand dollars (\$1,000) from two (2) or more individuals associated with one (1) law firm; or

(C) ten thousand dollars (\$10,000) in contributions from all sources;

to pay expenses connected with the judge's or candidate's candidacy."

Renumber all SECTIONS consecutively.

(Reference is to HB 1491 as printed February 6, 2009.)

WALORSKI

Motion prevailed. The bill was ordered engrossed.

House Bill 1057

Representative Kersey called down House Bill 1057 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1057-1)

Mr. Speaker: I move that House Bill 1057 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-32 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 32. COLLECTIVE BARGAINING FOR EMPLOYEES OF THE EXECUTIVE BRANCH

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Bargaining unit" means classes or groups of jobs or positions that are held by employees whose collective interests may be suitably represented by an employee organization for collective bargaining.

Sec. 3. "Confidential employee" means an employee:

(1) who works in the personnel office of the employer;
(2) who has access to confidential or discretionary information that may be used by the employer in negotiating a collective bargaining agreement under this article;

(3) who works in the office of the governor or a state officer who provides notice pursuant to IC 5-32-3-1;

(4) whose:

(A) functional responsibilities; or

(B) knowledge;

concerning employee relations makes the employee's membership in an employee organization incompatible with the employee's duties; or

(5) who is a personal secretary of the chief administrative or executive officer of an agency.

Sec. 4. "Employee" means an individual who is employed by the employer, unless the individual is any of the following:

(1) An intermittent, temporary, or student employee.

(2) A member of a board or commission.

(3) A confidential employee.

(4) A supervisor.

(5) A managerial employee.

(6) A patient or resident of a state institution.

(7) An individual in the custody of the department of correction or any law enforcement agency.

(8) The chief administrative or executive officer of an agency.

(9) An attorney whose responsibilities include providing legal advice or legal research.

(10) A physician or dentist.

(11) An administrative law judge.

(12) An individual who performs internal investigations.

(13) Teachers at state institutions whose compensation is determined under any of the following:

(A) IC 11-10-5-4.

(B) IC 12-24-3-4.

(C) IC 16-19-6-7.

Sec. 5. "Employee organization" means an organization:

(1) in which employees participate; and

(2) that exists for the purpose of dealing with the employer concerning wages, hours, settlement of grievances, and other terms and conditions of employment.

Sec. 6. (a) "Employer" means the executive branch.

(b) The term does not include any of the following:

(1) Bodies corporate and politic.

(2) State educational institutions.

(3) Unless specifically included under section 7(2) of this chapter, an agency under the direct authority of an elected state officer.

(4) The budget agency.

(5) Uniformed members of the national guard.

(6) The state personnel department.

(7) The PERB.

(8) The Indiana education employment relations board.

(9) The state board of accounts.

Sec. 7. "Executive branch" means the following:

(1) Agencies (as defined by IC 4-22-2-3) under the direct authority of the governor.

(2) Agencies under the direct authority of any other elected state officer electing coverage under IC 5-32-3.

Sec. 8. "Managerial employee" means an individual who is:

- (1) engaged predominantly in executive and management functions; or
- (2) charged with the responsibility of directing the effectuation of management policies and practices.

Sec. 9. "PERB" refers to the public employees relations board established by IC 5-32-2-1.

Sec. 10. "Supervisor" means an individual having authority in the interest of the employer to:

- (1) hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees;
- (2) adjust employee grievances; or
- (3) effectively recommend any of the actions in subdivision (1) or (2);

if the exercise of the authority is not merely of a routine or clerical nature, but requires the use of independent judgment.

Sec. 11. "Temporary employee" means an individual who is employed in a temporary position for not more than ninety (90) days.

Chapter 2. Public Employees Relations Board

Sec. 1. The public employees relations board (PERB) is established.

Sec. 2. (a) The PERB has five (5) members who are appointed by the governor.

(b) A PERB member may not:

- (1) be a representative of or be employed by an employee organization or an affiliate of an employee organization; or
- (2) hold any other public office.

(c) The term of each member is four (4) years.

Sec. 3. A vacancy on the PERB shall be filled by the governor.

Sec. 4. The governor shall designate a PERB member to serve as the chairperson.

Sec. 5. A majority of the PERB members appointed to the board constitutes a quorum.

Sec. 6. The PERB shall do the following:

- (1) Conduct elections under this article.
- (2) Make determinations concerning exclusive bargaining representatives and representation matters under this article.
- (3) Resolve issues that may arise under this article.

Sec. 7. The PERB shall adopt rules under IC 4-22-2 to carry out this article.

Sec. 8. The Indiana education employment relations board established by IC 20-29-3-1 shall provide staff assistance needed by the PERB.

Chapter 3. Opt In

Sec. 1. (a) An elected state officer may elect to have the officer's employees to be subject to this article by submitting a written notice to the PERB.

(b) The notice must be consistent with the provisions of this article and may not include employees otherwise excluded.

Chapter 4. Bargaining Units

Sec. 1. An employee must be included under one (1) of the following eleven (11) bargaining units:

(1) Labor, trades, and crafts classes, including the following:

- (A) Carpenters.
- (B) Electricians.
- (C) Plumbers.
- (D) Print shop workers.
- (E) Auto mechanics.
- (F) Maintenance workers.
- (G) Similar classes.

(2) Administrative and technical support that includes

clerical and administrative nonprofessional classes, including the following:

- (A) Typists.
- (B) Secretaries.
- (C) Account clerks.
- (D) Computer operators.
- (E) Office service personnel.
- (F) Personnel who provide support services to professionals.

(G) Other nonprofessional employees who do not meet the standards of other nonprofessional units.

(3) Regulatory, inspection, and licensure nonprofessionals that include individuals who review public and commercial activities, including the following:

- (A) Tax examiners.
- (B) Driver's license examiners.
- (C) Meat inspectors.
- (D) Similar classes.

(4) Health and human services nonprofessionals, including the following:

- (A) Licensed practical nurses.
- (B) Nursing aides.
- (C) Psychiatric attendants.
- (D) Therapy aides.
- (E) Claims takers.
- (F) Similar classes.

(5) Regulatory, inspection, and licensure professional employees empowered to review certain public and commercial activities, including the following:

- (A) Revenue auditors.
- (B) Bank and insurance examiners.
- (C) Public health inspectors.
- (D) Similar classes.

(6) Health care professionals, including the following:

- (A) Registered nurses.
- (B) Pharmacists.
- (C) Licensed therapists.
- (D) Similar classes.

(7) Social services and counseling professionals who provide services and benefits to eligible persons, including the following:

- (A) Employment and training personnel.
- (B) Welfare caseworkers.
- (C) Social workers.
- (D) Counselors.
- (E) Similar classes.

(8) Engineering, scientific, and information services professionals, including the following:

- (A) Architects.
- (B) Chemists.
- (C) Geologists.
- (D) Civil engineers.
- (E) Computer programmers.
- (F) System analysts.
- (G) Similar classes.

(9) Professional administrative employees with general business responsibilities, including the following:

- (A) Accountants.
- (B) Buyers.
- (C) Administrators.
- (D) Other professional employees who do not meet the standards of the other professional units.

(10) Public safety, protective service workers, and institutional security employees, including the following:

- (A) Correctional officers.
- (B) Building guards.
- (C) Firefighters.
- (D) Motor carrier inspectors of the state police

department.

(E) Similar classes.

(11) Sworn police officers, including the following:

(A) Law enforcement officers of the state police department.

(B) Conservation officers of the department of natural resources.

(C) Excise police of the alcohol and tobacco commission.

Sec. 2. The director of the state personnel department shall determine the assignment of each employee, including the employees of a state officer electing coverage under IC 5-32-3-1, to a bargaining unit under section 1 of this chapter based on the employee's job classification and position.

Sec. 3. In determining the appropriateness of the assignment of an employee to a unit in section 1 of this chapter, the director of the state personnel department shall consider the following:

(1) The principles of efficient administration of government, including limiting the fragmentation of government administrative authority.

(2) The existence of a community of interest among the employees assigned to the bargaining unit.

(3) The recommendations of the parties involved.

Chapter 5. Representation Proceedings

Sec. 1. An employee organization may be accorded recognition as the exclusive negotiating organization for an appropriate unit.

Sec. 2. The state personnel director may recognize an employee organization as the exclusive negotiating organization of the members of an appropriate unit when the employee organization has been selected by a majority of the employees voting in an election.

Sec. 3. An employee organization may request that an election be held by submitting a petition for election to the PERB. The petition must be accompanied by a showing of interest by thirty percent (30%) of the employees of the appropriate unit.

Sec. 4. Not more than fifteen (15) days after a determination that a valid petition has been submitted, the PERB shall notify interested employee organizations of a proceeding under this chapter.

Sec. 5. An interested employee organization must file a petition of intervention with the PERB, which must be accompanied by a showing of interest by ten percent (10%) of the employees in the appropriate unit within thirty (30) days of notice of the pending election.

Sec. 6. An election under this chapter shall be held within a reasonable time after the determination of a valid petition for election as specified in the PERB's rules.

Sec. 7. (a) The certification of an employee organization as the exclusive bargaining representative of the bargaining unit continues as long as the employee organization satisfies the requirements of this article and subsequent guidelines by the PERB applicable to recognition.

(b) Notwithstanding subsection (a), nothing in this chapter shall require the PERB to conduct an election in a unit within twelve (12) months after a valid election in the unit was held pursuant to this chapter.

Chapter 6. Collective Bargaining

Sec. 1. An employee organization certified as the exclusive bargaining representative of the employees of a bargaining unit may do the following:

(1) Speak on behalf of all members of the unit.

(2) Represent the interests of all members of the unit without:

(A) discrimination; and

(B) regard to employee organization membership.

(3) Be permitted exclusively to have organizational

membership dues collected by the state by wage assignment under IC 22-2-6-2. This privilege shall be immediately revoked by the state personnel director in the event of a violation of IC 5-32-8-1(a).

(4) Negotiate, subject to the approval of the governor, with the director of the state personnel department or the director's designee concerning the following mandatory subjects of negotiation:

(A) Wages.

(B) Hours.

(C) Working conditions.

Sec. 2. Recognition of an employee organization shall not preclude an employee or group of employees regardless of the organization membership of the employee from bringing matters of personal concern to the attention of appropriate officials with a representative of the employee's own choosing in a grievance proceeding in accordance with applicable rule or established policy of the state.

Sec. 3. An employee organization shall conduct the solicitation of membership, dues, or other internal employee organization business only during the off duty hours of the employees concerned.

Chapter 7. Employer and Employee Rights

Sec. 1. An employer has the right to do the following:

(1) Direct the work of the employer's employees.

(2) Hire, promote, transfer, assign, and retain employees.

(3) Suspend, demote, discharge, or take other disciplinary action against employees.

(4) Maintain the efficiency of all governmental operations.

(5) Relieve an employee from duties because of a lack of work or for any other legitimate reason not prohibited by law.

(6) Determine and implement the methods, means, and personnel by which the employer's operations are to be conducted.

(7) Take whatever actions may be necessary to carry out the statutory and constitutional mission of the employer.

Sec. 2. (a) An employee has the right to do the following:

(1) Organize, form, join, and assist an employee organization under this article.

(2) Refuse to join or participate in the activities of an employee organization.

(b) The rights described in this section do not extend to participation in the collective bargaining process where such participation would result in a conflict of interest or otherwise be incompatible with law.

Chapter 8. Strikes

Sec. 1. (a) It is unlawful for an employee organization to directly or indirectly threaten, encourage, or participate in a strike, slowdown, or other interruption or interference with the activities of the state.

(b) It is unlawful for an employee to directly or indirectly:

(1) threaten, encourage, or participate in a strike, slowdown, or other interruption or interference with the activities of the state; or

(2) abstain, in whole or in part, from the full, faithful, and proper performance of the employee's duties of employment.

Sec. 2. An employee who violates section 1 of this chapter may be dismissed. An employee dismissed under this section is ineligible for rehiring with the executive branch for at least one (1) year following the dismissal.

Sec. 3. An employee organization that violates section 1 of this chapter:

(1) shall cease to be the exclusive bargaining representative of the bargaining unit and shall be decertified;

- (2) may not have organizational membership dues collected on its behalf by the state; and
- (3) may not submit a petition for certification as the exclusive bargaining representative of the bargaining unit until at least one (1) year has elapsed since the decertification under subdivision (1).

Sec. 4. The remedies and penalties specified by this chapter are separate and are in addition to any other legal or equitable remedy or penalty.

Chapter 9. Settlements With Employee Organization

Sec. 1. The settlements in effect between the state and the following employee organizations (before they were rescinded by Executive Order 05-14 on January 11, 2005) are reinstated on the effective date of this article and do not expire except as provided by an enactment of the general assembly:

- (1) The settlement between the state and The Unity Team Local 9212/UAW/AFT, approved by Executive Order 03-44.
- (2) The settlement between the state and ASCME Council 62, approved by Executive Order 03-45.
- (3) The settlement between the state and Indiana Professional Law Enforcement Association, Local 1041, I.U.P.A./AFL-CIO, approved by Executive Order 4-1.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 5-32-4-2 and IC 5-32-4-3, both as added by this act:

- (1) the director of the state personnel department shall assign all employees (as defined in IC 5-32-1-4, as added by this act) and job descriptions to one (1) of the appropriate statewide bargaining units as required by IC 5-32-4-2, as added by this act; and
- (2) the assignment of employees and job descriptions to bargaining unit categories under this SECTION may not be challenged until July 1, 2010.

(b) Notwithstanding subsection (a), the state personnel director's initial assignment of an employee or a job description to the appropriate bargaining unit is considered to be made, upon the effective date of this act, to the bargaining unit created under Executive Order 03-35 (before it was rescinded by Executive Order 05-14 on January 11, 2005) to which the employee and the job description were assigned on January 10, 2005.

SECTION 3. [EFFECTIVE UPON PASSAGE] Notwithstanding IC 5-32, as added by this act, an employee organization that was certified before January 11, 2005, in an election conducted by the public employees relations board created by Executive Order 03-35 (before it was rescinded by Executive Order 05-14 on January 11, 2005) as the exclusive negotiating organization for a bargaining unit is granted recognition as the exclusive bargaining representative for that unit upon the effective date of this act.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 5-32-2-2, as added by this act, the terms of the persons initially appointed to the public employee relations board established by IC 5-32-2-1, as added by this act, shall be as follows:

- (1) Two (2) members appointed for a term of one (1) year.
- (2) One (1) member appointed for a term of two (2) years.
- (3) One (1) member appointed for a term of three (3) years.
- (4) One (1) member appointed for a term of four (4) years.

(b) The governor shall make the initial appointments to the public employee relations board not later than June 15, 2009.

(c) This SECTION expires July 1, 2013.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) The

public employee relations board established by IC 5-32-2-1, as added by this act, shall carry out the board's duties under this act under interim written guidelines approved by the governor.

(b) This SECTION expires on the earlier of:

- (1) the date rules are adopted under IC 5-32-2-7, as added by this act; or
- (2) January 1, 2010.

SECTION 6. An emergency is declared for this act.

(Reference is to HB 1057 as printed February 3, 2009.)

KERSEY

Motion prevailed. The bill was ordered engrossed.

House Bill 1535

Representative Koch called down House Bill 1535 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1397

Representative Niezgodski called down House Bill 1397 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1397-3)

Mr. Speaker: I move that House Bill 1397 be amended to read as follows:

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"Sec. 5.5. As used in this chapter, "dealer" means a person who:

- (1) is engaged in the business of buying, selling, leasing, or exchanging property described in subdivision (2); and
- (2) sells, leases, or advertises the sale or lease of more than four (4):
 - (A) motor vehicles;
 - (B) pieces of construction equipment;
 - (C) farm tractors;
 - (D) tractors;
 - (E) recreational vehicles; or
 - (F) truck campers;

within a twelve (12) month period."

Page 3, line 7, after "10." insert "(a)".

Page 3, line 13, delete "corporation" and insert "dealer selling the property".

Page 3, between lines 14 and 15, begin a new paragraph and insert:

"(b) The term does not include the purchase of any property described in subsection (a) for the purpose of resale."

Page 4, line 31, delete "20(c)" and insert "21".

Page 4, line 35, delete "(a)".

Page 4, line 40, delete "corporation" and insert "dealer selling the property".

Page 4, delete line 42, begin a new paragraph and insert:

"Sec. 21. (a) This subsection does not apply to a motor vehicle that is subject to subsection (b). A dealer shall certify that a motor vehicle, farm tractor, construction equipment, tractor, recreational vehicle, or truck camper is made in America if the motor vehicle, farm tractor, construction equipment, tractor, recreational vehicle, or truck camper has been assembled in America.

(b) This subsection applies only to a motor vehicle that is a truck having a gross declared weight of not more than eleven thousand (11,000) pounds or a passenger motor vehicle (as defined by IC 9-13-2-123). A dealer shall certify that a motor vehicle is made in America if the motor vehicle satisfies either of the following:

- (1) The motor vehicle is assembled in Indiana.
- (2) The motor vehicle satisfies all of the following:

(A) The motor vehicle must be assembled in America.

(B) The engine of the motor vehicle must be assembled in America.

(C) The transmission of the motor vehicle must be assembled in America.

(D) At least seventy percent (70%) of the parts contained in the motor vehicle must be made in America.

(c) The certifications required by this section must be made on a form prescribed by the corporation and must be signed by the dealer under penalty of perjury. The corporation shall make the forms available on the web site maintained by the corporation. The certification form must be made available so that an individual can download the form for completion.

(d) A copy of the certification received under this section must be submitted to the department under section 19 of this chapter for each qualified investment for which the qualified taxpayer wishes to claim a tax credit under this chapter in a taxable year.

Sec. 22. The following apply to any person who issues a certification described in section 21 of this chapter:

(1) The person consents that the person (and any successor in interest of the person) will be subject to the jurisdiction of Indiana courts.

(2) The person consents that service of process in accordance with the Indiana Rules of Trial Procedure is proper service and subjects the person (and any successor in interest of the person) to the jurisdiction of Indiana courts.

(3) The person consents that any civil action related to the provisions of this chapter and in which the person (or any successor in interest of the person) is a party will be heard in an Indiana court."

Delete page 5.

(Reference is to HB 1397 as printed February 6, 2009.)

NIEZGODSKI

Motion prevailed. The bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1056, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 2. IC 36-8-8-8.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8.3. (a) If the requirements of subsection (b) are satisfied, a fund member who:

(1) completes at least one (1) year of active service for which the 1977 fund gives credit;

(2) serves on active duty in the armed services of the United States for at least six (6) months;

(3) receives an honorable discharge from the armed services;

(4) is not entitled to receive a benefit from the armed services of the United States or another governmental retirement system for the active duty service; and

(5) has not received credit in the 1977 fund for the active duty service under another section of this chapter;

is entitled to service credit in the 1977 fund in an amount equal to the length of the fund member's military service. However, not more than six (6) years of service credit in the

1977 fund may be granted under this section. The service credit granted under this section may be used only in the computation of benefits to be paid after June 30, 2009, and only after the PERF board determines that the fund member is eligible for the service credit in the 1977 fund.

(b) A fund member is entitled to receive service credit in the 1977 fund for the active duty service described in subsection (a) if:

(1) the fund member pays in a lump sum or in a series of payments determined by the PERF board, not to exceed five (5) annual payments, the amount the fund member would have contributed to the 1977 fund, if the fund member had been a member of the 1977 fund during the active duty service; and

(2) the fund member's employer contributes to the 1977 fund the amount the PERF board determines necessary to amortize the active duty service liability over a period determined by the PERF board, but not more than ten (10) years.

(c) An amortization schedule for contributions paid under subsection (b)(1) or (b)(2) must include interest at a rate determined by the PERF board.

(d) A fund member who:

(1) terminates service before satisfying the requirements for eligibility to receive a retirement benefit payment from the 1977 fund; or

(2) receives a retirement benefit for the same service from another retirement system, other than under the federal Social Security Act;

may withdraw the fund member's contributions made under this section plus accumulated interest after submitting to the 1977 fund a properly completed application for a refund.

(e) The following apply to the granting of service credit in the 1977 fund under this section:

(1) The PERF board may not grant credit for the service if doing so would exceed the limitations set forth in Section 415 of the Internal Revenue Code.

(2) A fund member may not claim the service credit for purposes of determining eligibility or computing benefits unless the fund member has made all payments required under subsection (b)(1).

(f) To the extent permitted by the Internal Revenue Code and applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section, a rollover of a distribution from any of the following:

(1) A qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code.

(2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(3) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.

(4) An individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code.

(g) To the extent permitted by the Internal Revenue Code and the applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section, a trustee to trustee transfer from any of the following:

(1) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(2) An eligible deferred compensation plan under Section 457(b) of the Internal Revenue Code.

(h) Notwithstanding any provision in this section, a fund member is entitled to service credit and benefits in the amount and to the extent required by the federal Uniformed

Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all amendments.

(i) Before implementing this section, the PERF board may request from the Internal Revenue Service any rulings or determination letters that the PERF board considers necessary or appropriate.

SECTION 3. IC 36-8-8-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8.5. (a) This section applies to a fund member who, after June 30, 2009, completes active service for which the 1977 fund gives credit.

(b) A fund member may purchase not more than two (2) years of service credit for the fund member's service on active duty in the armed services of the United States if the fund member meets the following conditions:

- (1) The fund member has at least one (1) year of active service for which the 1977 fund gives credit.
- (2) The fund member serves on active duty in the armed services of the United States for at least six (6) months.
- (3) The fund member receives an honorable discharge from the armed services.
- (4) Before the fund member applies to receive a retirement benefit payment, the fund member makes contributions to the 1977 fund as follows:

(A) Contributions that are equal to the product of the following:

- (i) The salary of a first class patrolman or firefighter at the time the fund member actually makes a contribution for the service credit.
- (ii) A rate, determined by the actuary of the 1977 fund, that is based on the age of the fund member at the time the fund member actually makes a contribution for service credit and is computed to result in a contribution amount that approximates the actuarial present value of the retirement benefit attributable to the service credit purchased.
- (iii) The number of years of service credit the fund member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary of the 1977 fund, for the period from the fund member's initial membership in the 1977 fund to the date payment is made by the fund member.

(c) A fund member may not receive service credit under this section if the military service for which the fund member requests credit also qualifies the fund member for a benefit in a military or another governmental retirement system.

(d) A fund member who:

- (1) terminates service before satisfying the requirements for eligibility to receive a retirement benefit payment from the 1977 fund; or
- (2) receives a retirement benefit for the same service from another retirement system, other than under the federal Social Security Act;

may withdraw the fund member's contributions made under this section plus accumulated interest after submitting to the 1977 fund a properly completed application for a refund.

(e) The following apply to the purchase of service credit under this section:

- (1) The PERF board may allow a fund member to make periodic payments of the contributions required for the purchase of service credit. The PERF board shall determine the length of the period during which the payments are to be made.
- (2) The PERF board may deny an application for the purchase of service credit if the purchase would exceed the limitations set forth in Section 415 of the Internal Revenue Code.
- (3) A fund member may not claim the service credit for purposes of determining eligibility or computing

benefits unless the fund member has made all payments required for the purchase of the service credit.

(f) To the extent permitted by the Internal Revenue Code and applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section, a rollover of a distribution from any of the following:

- (1) A qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code.
- (2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (3) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.
- (4) An individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code.

(g) To the extent permitted by the Internal Revenue Code and the applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section, a trustee to trustee transfer from any of the following:

- (1) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (2) An eligible deferred compensation plan under Section 457(b) of the Internal Revenue Code.

(h) Notwithstanding any provision in this section, a fund member is entitled to service credit and benefits in the amount and to the extent required by the federal Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all amendments.

(i) Before implementing this section, the PERF board may request from the Internal Revenue Service any rulings or determination letters that the PERF board considers necessary or appropriate."

Renumber all SECTIONS consecutively.

(Reference is to HB 1056 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 3.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1182, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "(a)" insert "As used in this section, "charge description master" means a listing of the amount charged by a hospital for each service, item, and procedure:

- (1) provided by the hospital; and
- (2) for which a separate charge exists.

(b)".

Page 1, line 3, delete "has" and insert "means a detention described in IC 35-41-1-18 (a)(1), (a)(2), (a)(3), (a)(6), (a)(7), or (a)(9)".

Page 1, delete line 4.

Page 1, line 5, delete "(b)" and insert "(c)".

Page 1, line 17, delete "(c) A" and insert "(d) Except as provided in subsection (e), a".

Page 2, line 6, delete "Medicaid fee for service" and insert "federal Medicare reimbursement rate for the health care service provided plus four percent (4%)".

(e) If there is no federal Medicare reimbursement rate for a health care service described in subsection (d), the county shall do the following:

(1) If the health care service is provided by a hospital, the county shall reimburse the hospital an amount equal to sixty-five percent (65%) of the amount charged by the hospital according to the hospital's charge description master.

(2) If the health care service is provided by a physician or another health care provider, the county shall reimburse the physician or health care provider an amount equal to sixty-five percent (65%) of the amount charged by the physician or health care provider.

(f) This section expires June 30, 2011.

SECTION 2. IC 36-2-13-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) As used in this section, "lawful detention" means a detention described in IC 35-41-1-18 (a)(1), (a)(2), (a)(3), (a)(6), (a)(7), or (a)(9).

(b) This section does not apply to a person who is subject to lawful detention and is:

(1) covered under private health coverage for:

(A) medical care;

(B) dental care; or

(C) another health care service; or

(2) willing to pay for the person's own health care services.

(c) A sheriff of a county may not release a person subject to lawful detention solely for the purpose of preventing the county from being financially responsible under IC 11-12-5-5.5 for health care services provided to the person.

(d) If a county violates subsection (c), the county remains financially responsible under IC 11-12-5 for health care services provided to the person released from lawful detention.

(e) A county is financially responsible under IC 11-12-5 for health care services provided to a person at a hospital if the person was subject to lawful detention by the sheriff at the time the person entered the hospital's premises.

(f) If a person is subjected to lawful detention after entering the premises of a hospital, the county in which the hospital is located is financially responsible under IC 11-12-5 for the health care services provided to the person while the person is subject to lawful detention.

(g) For purposes of this section, if a sheriff brings a person subject to lawful detention onto the premises of a hospital or subjects a person to lawful detention after the person enters the premises of a hospital, the sheriff shall remain on the premises of the hospital and within reasonable proximity to the person while the person receives health care services at the hospital unless:

(1) the person's medical condition renders the person incapable of leaving the hospital; and

(2) the person does not pose a threat to hospital personnel or property or to others at the hospital.

(h) This section does not prevent or limit the application of IC 11-12-5-5 concerning the making of copayments by a person confined to a county jail.

(i) A county that is responsible for paying the medical care expenses of a county jail inmate under IC 11-12-5-6 is responsible for paying the medical care expenses of the inmate under this section.

(j) This section does not supersede a written agreement:

(1) between:

(A) a physician, a hospital, or another health care provider; and

(B) a sheriff;

concerning reimbursement for health care services provided to a person subject to lawful detention; and

(2) entered into or renewed before July 1, 2009.

(k) This section expires June 30, 2011."

Page 2, delete line 7.

Page 2, line 16, delete "2013." and insert "2011."

Renumber all SECTIONS consecutively.

(Reference is to HB 1182 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

V. SMITH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1196, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 20, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1358, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

V. SMITH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1588, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "2012," and insert "2015,"

Page 1, line 11, delete "2011," and insert "2014,"

Page 2, line 14, delete "2012," and insert "2015,"

Page 2, line 19, delete "2011," and insert "2014,"

(Reference is to HB 1588 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

V. SMITH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1604, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-9-33-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The county supplemental food and beverage tax imposed on a food or beverage transaction described in section 4 of this chapter may not exceed one percent (1%) of the gross retail income received by the merchant from the transaction. For purposes of this chapter, the gross retail income received by the retail merchant from such a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5. ~~OR IC 6-9-23.~~

SECTION 2. IC 6-9-33-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) If a tax is imposed under section 3 of this chapter, the county treasurer shall establish a supplemental coliseum improvement fund. The county treasurer shall deposit in this fund all amounts received from the tax imposed under this chapter. Money in this fund:

(1) may be appropriated only

~~(1) for acquisition, improvement, remodeling, or expansion of; or~~

~~(2) to retire or advance refund bonds issued, loans obtained, or lease payments incurred under IC 36-10-10 (referred to in this chapter as "obligations") to remodel, expand, improve, or acquire an athletic and exhibition coliseum in existence before the effective date of an ordinance adopted under section 3 of this chapter, with respect to obligations for which a pledge of revenue received under this chapter was made before January 1, 2009; and~~

~~(2) shall be used to make transfers required by subsection (b).~~

(b) There is established a food and beverage tax reserve account to be administered by the capital improvement board of managers (IC 36-10-8). Any money deposited in the supplemental coliseum improvement fund after June 30, 2009, that is not needed in a year to make payments on obligations for which a pledge of revenue under this chapter was made before January 1, 2009, shall be transferred to the capital improvement board. The county treasurer shall make the transfer before February 1 of the following year. The capital improvement board shall deposit the money it receives in the board's food and beverage tax reserve account. Money in the reserve account may not be withdrawn or transferred during the year it is received except to make transfers back to the county to make payments on obligations for which a pledge of revenue under this chapter was made before January 1, 2009. However, the capital improvement board may transfer:

(1) interest earned on money in the reserve account; and

(2) an amount equal to the balance that has been held in the reserve account for at least twelve (12) months; to the board's capital improvement fund established by IC 36-10-8-12.

SECTION 3. IC 6-9-33-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. ~~(a) The county may enter into an agreement under which amounts deposited in, or to be deposited in, the supplemental coliseum expansion fund are pledged to payment of obligations issued to finance the remodeling, expansion, or maintenance of an athletic and exhibition coliseum under section 8 of this chapter.~~

~~(b) (a) Obligations entered into before January 1, 2009, for the acquisition, expansion, remodeling, and improvement of an athletic and exhibition coliseum shall be retired by using money collected from a tax imposed under this chapter.~~

~~(c) (b) With respect to obligations for which a pledge has been made under subsection (a); this section before January 1, 2009, the general assembly covenants with the holders of these obligations that:~~

~~(1) this chapter will not be repealed or amended in any manner that will adversely affect the imposition or collection of the tax imposed under this chapter; and~~

~~(2) this chapter will not be amended in any manner that will change the purpose for which revenues from the tax imposed under this chapter may be used;~~

as long as the payment of any of those obligations is outstanding.

SECTION 4. IC 6-9-33-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. **On or before December 31 each year, the executive director of the World War Memorial Coliseum shall submit to the capital improvement board of managers an annual report of the operations of the coliseum.**

SECTION 5. IC 36-10-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The board may, acting under the name "(name of county) county capital

improvement board of managers", or, if the board was created under IC 18-7-18 (before its repeal on February 24, 1982), "(name of the city) and (name of the county) county convention and tourism authority", "(name of the county) and (name of the city) capital improvement board of managers", do the following:

(1) Acquire by grant, purchase, gift, devise, lease, or otherwise, and hold, use, sell, lease, or dispose of, real and personal property and any rights and interests in it necessary or convenient for the exercise of its powers under this chapter.

(2) Construct, reconstruct, repair, remodel, enlarge, extend, or add to any capital improvement under this chapter and condemn, appropriate, lease, rent, purchase, and hold any real property, rights-of-way, materials, or personal property needed for the purposes of this chapter, even if it is already held for a governmental or public use.

(3) Control and operate a capital improvement, and receive and collect money due to the operation or otherwise relating to the capital improvement, including employing an executive manager and other agents and employees that are necessary for the acquisition, construction, and proper operation of the improvements and fixing the compensation of all employees with a contract of employment or other arrangement terminable at the will of the board. However, a contract may be entered into with an executive manager and associate manager for a period not longer than four (4) years at one (1) time and may be extended from time to time for the same or shorter periods.

(4) Let concessions for the operation of restaurants, cafeterias, public telephones, news and cigar stands, vending machines, caterers, and all other services considered necessary or desirable for the operation of a capital improvement.

(5) Lease a capital improvement or a part of it to any association, corporation, or individual, with or without the right to sublet.

(6) Fix charges and establish rules and regulations governing the use of a capital improvement.

(7) Accept gifts or contributions from individuals, corporations, limited liability companies, partnerships, associations, trusts, or foundations and funds, loans, or advances on the terms that the board considers necessary or desirable from the United States, the state, or a political subdivision or department of either, including entering into and carrying out contracts and agreements in connection with this subdivision.

(8) Acquire the site for a capital improvement, or a part of a site by conveyance from the redevelopment commission of a city within the county in which the board is created or from any other source, on the terms that may be agreed upon.

(9) If the board was created under IC 18-7-18 (before its repeal on February 24, 1982), exercise within and in the name of the county the power of eminent domain under general statutes governing the exercise of the power for a public purpose.

(10) Receive and collect all money due for the use or leasing of a capital improvement and from concessions and other contracts, and expend the money for proper purposes, but any employees or members of the board authorized to receive, collect, and expend money must be covered by a fidelity bond, the amount of which shall be fixed by the board. Funds may not be disbursed by an employee or member of the board without prior specific approval by the board.

(11) Provide coverage for its employees under IC 22-3 and IC 22-4.

(12) Purchase public liability and other insurance considered desirable.

(13) Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including the enforcement of them.

(14) Maintain and repair a capital improvement and all equipment and facilities that are a part of it, including the employment of a building superintendent and other employees that are necessary to maintain the capital improvement.

(15) Sue and be sued in its own name, service of process being had upon the president or vice president of the board or by leaving a copy at the board's office.

(16) Prepare and publish descriptive material and literature relating to the facilities and advantages of a capital improvement and do all other acts that the board considers necessary to promote and publicize the capital improvement and serve the commercial, industrial, and cultural interests of Indiana and its citizens by the use of the capital improvement. It may assist and cooperate with public, governmental, and private agencies and groups for these purposes.

(17) Promote the development and growth of the convention and visitor industry in the county.

(18) Transfer money from the capital improvement fund established by this chapter to any Indiana not-for-profit corporation for the promotion and encouragement of conventions, trade shows, visitors, and special events in the county.

SECTION 5. IC 36-10-8-16, AS AMENDED BY P.L.146-2008, SECTION 796, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) A capital improvement may be financed in whole or in part by the issuance of general obligation bonds of the county or, if the **authority board** was created under IC 18-7-18 (before its repeal on February 24, 1982), also of the city, if the board determines that the estimated annual net income of the capital improvement, plus the estimated annual tax revenues to be derived from any tax revenues made available for this purpose, will not be sufficient to satisfy and pay the principal of and interest on all bonds issued under this chapter, including the bonds then proposed to be issued.

(b) If the board desires to finance a capital improvement in whole or in part as provided in this section, it shall have prepared a resolution to be adopted by the county executive authorizing the issuance of general obligation bonds, or, if the **authority board** was created under IC 18-7-18 (before its repeal on February 24, 1982), by the fiscal body of the city authorizing the issuance of general obligation bonds. The resolution must set forth an itemization of the funds and assets received by the board, together with the board's valuation and certification of the cost. The resolution must state the date or dates on which the principal of the bonds is payable, the maximum interest rate to be paid, and the other terms upon which the bonds shall be issued. The board shall submit the proposed resolution to the proper officers, together with a certificate to the effect that the issuance of bonds in accordance with the resolution will be in compliance with this section. The certificate must also state the estimated annual net income of the capital improvement to be financed by the bonds, the estimated annual tax revenues, and the maximum amount payable in any year as principal and interest on the bonds issued under this chapter, including the bonds proposed to be issued, at the maximum interest rate set forth in the resolution. The bonds issued may mature over a period not exceeding forty (40) years from the date of issue.

(c) Upon receipt of the resolution and certificate, the proper officers may adopt them and take all action necessary to issue the

bonds in accordance with the resolution. An action to contest the validity of bonds issued under this section may not be brought after the fifteenth day following the receipt of bids for the bonds.

(d) The provisions of all general statutes relating to:

(1) the filing of a petition requesting the issuance of bonds and giving notice;

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or

(B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);

(3) the giving of notice of the determination to issue bonds;

(4) the giving of notice of a hearing on the appropriation of the proceeds of bonds;

(5) the right of taxpayers to appear and be heard on the proposed appropriation;

(6) the approval of the appropriation by the department of local government finance; and

(7) the sale of bonds at public sale;

apply to the issuance of bonds under this section.

SECTION 7. IC 36-10-8-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 21. (a) This section applies only to a board that was created under IC 18-7-18 (before its repeal on February 24, 1982).**

(b) On or before December 31 each year, the executive manager shall submit to the board an annual report of the operations of the convention and visitor center.

SECTION 8. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 6-9-23; IC 6-9-33-10.

(Reference is to HB 1604 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

V. SMITH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1605, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 22, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1669, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 17, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1718, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 25 through 42.

Page 3, delete lines 1 through 2.

Page 4, line 12, delete "corporation" and insert "**board**".

Page 4, line 13, delete "corporation," and insert "**board**".

Page 4, line 14, delete "corporation:" and insert "**board:**".
 Page 4, line 21, delete "corporation" and insert "**board**".
 Page 4, line 22, delete "corporation" and insert "**board**".
 Page 4, line 25, after "(a)" insert ",".
 Page 4, line 25, delete "or the corporation under subsection (b),".
 Page 5, line 4, delete "corporation," and insert "**board,**".
 Page 5, delete lines 6 through 42.
 Delete page 6.
 Page 7, delete lines 1 through 25.
 Page 7, line 35, delete "or the corporation".
 Page 7, line 36, delete "for a county described in section 1.5 of this chapter,".
 Page 9, line 4, after "complex" insert "**and a multi-sport athletic complex**".
 Page 9, line 4, delete "is" and insert "**are**".
 Page 9, line 5, delete "an entity" and insert "**entities**".
 Page 9, line 5, delete "is" and insert "**are**".
 Page 9, delete lines 31 through 42.
 Delete page 10.
 Renumber all SECTIONS consecutively.
 (Reference is to HB 1718 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: yeas 16, nays 7.

CRAWFORD, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1588 and 1604 had been referred to the Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 3, 4, 194, 280, and 353 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 25, 65, 89, 90, 139, 191, 196, 252, 259, 294, 298, 335, 344, 414, 451, 459, 461, 464, 465, 478, and 541 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Joint Resolution 1 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representative M. Smith be added as coauthor of House Bill 1077.

CHEATHAM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Tincher be added as coauthor of House Bill 1123.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bartlett be added as coauthor of House Bill 1155.

PRYOR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lutz and Koch be added as coauthors of House Bill 1180.

BLANTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bischoff be removed as coauthor and Representative M. Smith be added as coauthor of House Bill 1226.

STEMLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bartlett be added as coauthor of House Bill 1302.

PRYOR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pelath and Hinkle be added as coauthors of House Bill 1344.

PRYOR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Behning be added as coauthor of House Bill 1360.

BATTLES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Soliday be added as coauthor of House Bill 1379.

NIEZGODSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pearson be added as coauthor of House Bill 1387.

GUTWEIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Duncan be added as coauthor of House Bill 1494.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Barnes be added as coauthor of House Bill 1543.

DE LANEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Niezgodski be added as coauthor of House Bill 1603.

LEONARD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Borrer, Moses and Bell be added as coauthors of House Bill 1604.

GIA QUINTA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative M. Smith be added as coauthor of House Bill 1606.

HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Duncan be added as coauthor of House Bill 1651.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Torr be added as coauthor of House Bill 1660.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Richardson be added as coauthor of House Bill 1686.

BOSMA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lehe and Dobis be removed as coauthors and Representatives Stevenson and Candelaria Reardon be added as coauthors of House Bill 1716.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pelath be added as author of House Bill 1728.

PELATH

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Lehman, the House adjourned at 7:20 p.m., this tenth day of February, 2009, until Thursday, February 12, 2009, at 10:00 a.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives